SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, ~~1959~~ 1960

No. ~~593~~ 22

PETER CHAUNT, PETITIONER,

vs.

UNITED STATES.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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filed a Petition for Naturalization in the United States District Court for the Eastern District of New York.

[fol. 3]

IV

That on or about November 28, 1940, the aforesaid petition was granted, and on said date Certificate of Naturalization No. 4785200 was issued to the said defendant.

V

That in the proceedings that led to his naturalization and in the course of his preliminary naturalization examination conducted by an officer of the Immigration and Naturalization Service, the said defendant, Peter Chaunt, alleged under oath that he had never belonged to any Communist, Nazi or Fascist organization, and that the only organization to which he had ever belonged was the fraternal benefit society of International Workers Order; that he fully believed in the form of government of the United States; and that he did not belong to and was not associated with any organization which teaches or advocates the overthrow of existing government in this country; that he was attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; that it was his intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of which he was a subject or citizen; that he would support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that he would bear true faith and allegiance to the same; and that he took this obligation freely and without any mental reservation or purpose of evasion.

VI

That the allegations of the said defendant, Peter Chaunt, as set forth in paragraph V above were false and untrue, as more particularly herein appears below.

VII

Plaintiff alleges that in truth and in fact the said Peter Chaunt has been an active member and officer of the Communist Party of the United States, including the Workers (Communist) Party and other organizations affiliated with or controlled by the Communist Party of the United States since at least 1926.

[fol. 4]

VIII

That the Communist Party of the United States is an organization which at all times since 1926, as the said Peter Chaunt well knew, advised, advocated, or taught the overthrow by force or violence of the government of the United States; advised, advocated, or taught the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers of the government of the United States because of his or their official character; advised, advocated, or taught the unlawful damage, injury or destruction of property; advised, advocated, or taught sabotage; wrote, circulated, distributed, printed published, or displayed, or caused to be written, circulated, distributed, printed published, or displayed or had in its possession for the purpose of circulation, distribution, publication, issuing, or display, written and printed matter which advised, advocated, or taught the performance of the acts described hereinabove in this paragraph; promoted, influenced, and advocated the political activities, public relations, and public policy of the Union of Soviet Socialist Republics.

IX

That at all of the times above mentioned, as the said Peter Chaunt well knew, the Communist Party of the United States was a section of an international organization whose principal officers were citizens or subjects of the Union of Soviet Socialist Republics and the principal offices of which were situated in Moscow, in the Union of Soviet Socialist Republics; that decisions made by such organization were binding upon other Communist Parties.

including the Communist Party of the United States and the individual members thereof, whether such decisions were contrary to the laws of the United States or not.

X

That by reason of the foregoing, the said Peter Chaunt at the time he applied for and obtained naturalization was not attached to the principles of the Constitution or well disposed to the good order and happiness of the United States; did not intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; and did not intend to abjure or renounce allegiance and fidelity to the Union of Soviet [fol. 5] Socialist Republics.

XI

That the said defendant intentionally and deliberately made false statements and concealed the true facts in the proceedings leading to his naturalization, concerning his affiliation with the Communist Party of the United States and its affiliated organizations, as set forth in the preceding paragraphs, in order to prevent the making of a full and proper investigation of his qualifications for citizenship; to induce the naturalization examiner to make an unconditional recommendation to the court that his petition be granted; to preclude inquiry by the court concerning his qualifications for citizenship; and to procure naturalization in violation of law.

XII

That the defendant, Peter Chaunt, in the proceedings leading to his naturalization, in his allegations in his Preliminary Form for Petition for Naturalization, and in the oral examination of the defendant conducted by an officer of the Immigration and Naturalization Service, on or about June 27, 1940, alleged under oath that he had never been arrested or charged with violation of any law of the United States, or State, or any City Ordinance or traffic regulation.

XIII

That the allegations of said defendant, Peter Chaunt, as set forth in paragraph XII were false and untrue, in that in truth and in fact the said defendant had been arrested in New Haven, Connecticut, by the New Haven Police Department, on July 30, 1929, December 21, 1929 and March 11, 1930, on charges of violation of City Ordinance No. 729 (distributing handbills), violation of park rules and general breach of peace, respectively.

XIV

That whether or not the defendant had ever been arrested or charged with the violation of any law of the United States, or State, or any City Ordinance or traffic regulation was material to the determination of defendant's qualification for citizenship with regard to whether or not said defendant was a person of good moral character; that defendant concealed the facts of his previous [fol. 6] arrests in order to conceal from the Naturalization Examiner and from the Court the facts which proved him to be a person of poor moral character, and did wilfully misrepresent that he had not been arrested or charged with the violation of any law, to induce the Naturalization Examiner to make an unconditional recommendation to the Court that his Petition for Naturalization be granted and to procure naturalization by concealment of material facts and by wilful misrepresentation, in violation of law.

XV

That the defendant was not a person of good moral character during the period required by law, inasmuch as he had made false statements in the proceedings leading up to his naturalization as hereinbefore above enumerated.

XVI

That before the filing of this Complaint, an affidavit was executed by Maurice A. Roberts, an attorney of the Immigration and Naturalization Service, United States Department of Justice, showing good and sufficient cause for the

institution of this proceeding under, and as required by, the provisions of Section 340 (a) of the Immigration and Nationality Act of 1952 (8 U.S.C.A., Section 1451 (a)), to set aside and cancel the naturalization of said defendant, Peter Chaunt, as having been procured by concealment of material facts and by wilful misrepresentation, which affidavit is attached hereto, marked Exhibit "A" and made a part hereof, the same as though set forth at length herein.

Wherefore, plaintiff prays that the Order admitting said defendant to citizenship be revoked and set aside and that the Certificate of Naturalization issued to the defendant be cancelled, and that such revocation and setting aside of the Order admitting said defendant to citizenship and said Certificate of Naturalization be effective as of the original date of the Order and Certificate, respectively; that the defendant be required to surrender said Certificate of Naturalization and that he be forever restrained and enjoined from setting up, claiming, or exercising any rights, privileges, benefits or advantages whatsoever under said Certificate of Naturalization; and that plaintiff have such other and further relief as the circumstances of the [fol. 7] case may require, and as in equity and good conscience may seem meet.

Laughlin E. Waters, United States Attorney, Clyde C. Downing, Assistant U. S. Attorney, Chief, Civil Division, Robert K. Grean, Assistant U. S. Attorney, Attorneys for Plaintiff.

[fol. 8]

EXHIBIT "A" TO COMPLAINT

UNITED STATES OF AMERICA	)	
	)	
	) SS:	C-4785200
	)	
DISTRICT OF COLUMBIA	)	

Maurice A. Roberts, being duly sworn, deposes and says:

1. That he is an Attorney, Immigration and Naturalization Service, United States Department of Justice, and

as such has access to the official records of the said Service, from which the following facts appear:

(a) That PETER CHAUNT filed a petition for naturalization in the United States District Court for the Eastern District of New York on June 27, 1940 and was admitted to citizenship by that court on November 28, 1940, receiving naturalization certificate No. 4785200.

(b) That in the proceedings which led to his naturalization, the said PETER CHAUNT alleged under oath:

(I) That he had never belonged to any Communist, Nazi or Fascist organization and that the only organization to which he had ever belonged was the fraternal benefit society of International Workers Order.

(II) That he fully believed in the form of government of the United States; and that he did not belong to and was not associated with any organization which teaches or advocates the overthrow of existing government in this country.

(III) That he was attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; that it was his intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of which he was a subject or citizen.

(IV) That he would support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that he would bear true faith and allegiance to the same; and that he took this obligation freely without any mental reservation or purpose of evasion.

(c) That the allegations of said PETER CHAUNT as set forth in subparagraph 1(b) were false and untrue.

(d) That the said PETER CHAUNT has been an active member and officer of the Communist Party of the United States, including the Workers (Communist) Party and other organizations affiliated with or controlled by the Communist Party of the United States since at least 1926.

[fol. 9] (e) That the Communist Party of the United States is an organization which at all times since 1926, as the said PETER CHAUNT well knew;

(I) Advised, advocated, or taught the overthrow by force or violence of the government of the United States;

(II) Advised, advocated, or taught the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers of the government of the United States because of his or their official character;

(III) Advised, advocated, or taught the unlawful damage, injury or destruction of property;

(IV) Advised, advocated, or taught sabotage;

(V) Wrote, circulated, distributed, printed, published, or displayed, or caused to be written, circulated, distributed, printed, published, or displayed or had in its possession for the purpose of circulation, distribution, publication, issuing, or display, written and printed matter which advised, advocated, or taught the performance of the acts described in subparagraphs 1(e), I, II, III, and IV.

(VI) Promoted, influenced, and advocated the political activities, public relations, and public policy of the Union of Soviet Socialist Republics.

(f) That at all of the times above mentioned, as the said PETER CHAUNT well knew, the Communist Party of the United States was a section of an international organization whose principal officers were citizens or subjects of the Union of Soviet Socialist Republics and the principal offices of which were situated in Moscow,

in the Union of Soviet Socialist Republics; that decisions made by such organization were binding upon other Communist Parties, including the Communist Party of the United States and the individual members thereof, whether such decisions were contrary to the laws of the United States or not.

(g) That by reason for the foregoing, the said PETER CHAUNT at the time he applied for and obtained naturalization: was not attached to the principles of the Constitution or well disposed to the good order and happiness of the United States; did not intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; and did not intend to abjure or renounce allegiance and fidelity to the Union of Soviet Socialist Republics.

[fol. 10] (h) That the said PETER CHAUNT intentionally and deliberately made false statements and concealed the true facts in the proceedings leading to his naturalization, as set forth in the preceding subparagraphs, in order to prevent the making of a full and proper investigation of his qualifications for citizenship; to induce the naturalization examiner to make an unconditional recommendation to the court that his petition be granted; to preclude inquiry by the court concerning his qualifications for citizenship; and to procure naturalization in violation of law.

2. That good cause exists for the institution of a suit under Section 340(a) of the Immigration and Nationality Act, 8 U.S.C. 1451(a), to set aside and cancel the naturalization of said PETER CHAUNT as having been procured by concealment of material facts and by wilful misrepresentation.

3. That the last known place of residence of the said PETER CHAUNT is 3305 West 34th Street, Cleveland, Ohio.

/s/ MAURICE A. ROBERTS
Attorney

Subscribed and sworn to at Washington in the District of Columbia this 6th day of May, 1953, before me, the Assistant General Counsel of the Immigration and Naturalization Service, United States Department of Justice, authorized by Section 332d.1 of Title 8 of the Code of Federal Regulations to administer oaths.

/s/ ALBERT E. REITHEL
Assistant General Counsel

[fol. 11] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

No. 15907-WM

[Title omitted]

MOTION TO DISMISS COMPLAINT TO SET ASIDE AND CANCEL NATURALIZATION—Filed January 4, 1954

The defendant, Peter Chaunt, hereby moves that the complaint be dismissed upon the following grounds:

I

The complaint fails to state a claim against the defendant upon which the relief sought can be granted.

II

The decree and judgment of naturalization referred to in Paragraphs III and IV of the complaint is res judicata and conclusive of all matters and issues determined or determinable in the naturalization proceeding including all such issues pleaded in the complaint.

III

The Court is without jurisdiction of the action in that Section 340 of the Immigration and Nationality Act of 1952

(8 U.S.C.A. 1451) under which the complaint is drawn [fol. 12] (hereinafter referred to as the "statute") is unconstitutional and void both upon its face and as applied to the defendant in the following respects:

(A) That in providing for cancellation of a decree and judgment of naturalization a court of competent jurisdiction, after proceedings to which the United States was a party and from which no appeal was taken, the statute violates the separation of powers prescribed by the Constitution and denies defendant due process of law contrary to the guarantees of the Fifth Amendment thereto.

(B) That in authorizing cancellation of such a decree upon grounds not prescribed at the time of naturalization, the statute is an *ex post facto* law repugnant to Article I, Section 9, Chapter 3 of the Constitution of the United States.

(C) That as applied to the defendant under the circumstances alleged in the complaint the statute is an *ex post facto* law and a bill of attainder in violation of Article I, Section 9 of the Constitution.

(D) That the statute on its face is vague, ambiguous and uncertain, and fails to provide any clearly ascertainable standard of disclosure for the guidance of petitioners in naturalization proceedings, in violation of the due process clause of the Constitution.

(E) That in providing for deprivation of citizenship without the right of trial by jury the statute denies the defendant due process of law in violation of the Fifth Amendment to the Constitution.

(F) That the statute abridges liberty of speech, assembly and association, and activities in furtherance thereof, in violation of the First Amendment to the Constitution.

[fol. 13] IV

The Court is without jurisdiction in that one of the causes of action sought to be alleged in the complaint

is not supported by an affidavit of good cause as required by section 340(a) of the said Act.

V

Two causes of action are improperly joined in the complaint, and said causes of action are not separately stated.

Said motion is based upon the attached memorandum of points and authorities and all the other records and files herein.

Margolis, McTernan and Branton, By John W. Porter, Attorneys for Defendant.

[fol. 14] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

No. 15907-WM

[Title omitted]

MOTION TO STRIKE PORTIONS OF COMPLAINT —Filed January 4, 1954

The defendant Peter Chaunt hereby moves to strike from the complaint the following portions thereof upon the ground that they are, and each of them is, redundant, immaterial and impertinent:

(1) The following language appearing in paragraph VII, page 2, lines 30 and 31: "...including the Workers (Communist) Party and other organizations affiliated with or controlled by the Communist Party of the United States since at least 1926."

(2) The following language appearing in paragraph VIII, page 3, lines 14 to 16: "...promoted, influenced, and advocated the political activities, pub-

lic relations, and public policy of the Union of Soviet Socialist Republics."

(3) All of paragraph IX, or in the alternative lines 22 to 25, inclusive, page 3: " . . . that decisions made by such organization were binding upon other Communist Parties."

[fol. 15] (4) All of paragraph X.

(5) All of paragraph XI.

(6) All of paragraph XIII.

(7) All of paragraph XIV.

(8) All of paragraph XV.

(9) Those portions of Exhibit "A" to the complaint corresponding to the portions of the complaint referred to in paragraphs (1) to (8) of this motion set forth above.

Said motion is based upon the attached Memorandum of Points and Authorities, and all the other records and files herein.

Margolis, McTernan and Branton, By John W. Porter, Attorneys for Defendant.

[fol. 16] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

No. 15907-WM

[Title omitted]

RULING ON MOTIONS—January 11, 1954,
Filed January 21, 1954

The above entitled case having come on for hearing on defendant's Motion to Dismiss Complaint, Motion for More

Definite Statement, and Motion to Strike Portions of Complaint, on January 11, 1954, in the above entitled Court, before the Hon. William C. Mathes, Judge Presiding, the defendant being represented by his attorneys, Margolis, McTernan and Branton by John W. Porter, and the plaintiff being represented by its attorneys, Laughlin E. Waters, United States Attorney, and Max F. Deutz and Robert K. Grean, Assistants United States Attorney by Robert K. Grean; and the Court having received and considered the Memorandum of Points and Authorities in Support of said Motions and the Memorandum in Opposition to said Motions, and the Court having heard oral argument of counsel, and being fully advised in the premises;

It Is Hereby Ordered, Adjudged and Decreed that the defendant's Motion to Dismiss Complaint, Motion for More Definite Statement, and Motion to Strike Portions of the Complaint be, and each of them is, hereby denied; and

It Is Further Ordered that the defendant shall have twenty days in which to answer plaintiff's Complaint on file herein.

[fol. 17] Done in Open Court January 11, 1954.

Wm. C. Mathes, Judge, United States District Court.

Approved as to form pursuant to Local Rule 7(a) this 18 day of January, 1954.

Margolis, McTernan and Branton, By John W. Porter Attorneys for Defendant

[fol. 18] [File endorsement omitted]

IN UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

Civil 15907-WM

UNITED STATES OF AMERICA, Plaintiff,

v.

PETER CHAUNT, also known as Ladislans Leitner, also known as Leslie Bela Leitner, Defendant.

SECOND AMENDED COMPLAINT TO SET ASIDE AND CANCEL NATURALIZATION—Filed April 21, 1955

Plaintiff, United States of America, complains of defendant and for causes of action alleges that:

FIRST CAUSE OF ACTION

(Concealment of Material Facts)

I

The plaintiff is a corporate sovereign, and this action is brought pursuant to the direction of the Attorney General of the United States and under the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 (Public Law No. 414; 82nd Congress), [8 U.S.C.A., Section 1451(a)].

II

The last known residence of the defendant is 310 Mt. Washington Drive, Los Angeles, California, within the Southern District of California, Central Division, and within the jurisdiction of this Court.

[fol. 19]

III

On or about June 27, 1940, the defendant, Peter Chaunt, also known as Ladislans Leitner, and also known as Leslie Bela Leitner, who was then an alien and a native of Hungary, filed a Petition for Naturalization in the United States District Court for the Eastern District of New York.

IV

On or about November 28, 1940, the aforesaid petition was granted by said Court, and on said date Certificate of Naturalization No. 4785200 was issued to the defendant.

V

The Order admitting defendant to citizenship, and said Certificate of Naturalization, issued as aforesaid, were procured by the defendant from said Court by intentional concealment of material facts, in that defendant, in the proceedings which led to his naturalization, intentionally concealed the following material facts: (1) That prior to and at the time of filing said Petition for naturalization and at the time of his naturalization, defendant was an active member and officer of the Communist Party of the United States and had been since on or about the year 1926; (2) that prior to said naturalization the defendant had been arrested and charged with violation of the city ordinances of the City of New Haven, Connecticut, as follows: (a) On or about July 30, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, of the said city and town of New Haven, did then and there distribute in a public street to wit: Ashmun Street, certain hand-bills against the peace of the State, of evil example, and contrary to the ordinance in such case made and provided. Ord. 729 Disposition "Plea—not guilty—Discharged"; (b) On or about December 21, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, temporarily of said city and town, did make an oration, harangue, or other public demonstration in New Haven Green [fol. 20] outside of the churches. Pages 609 Charter and

Ordinances" Disposition, "Demurrer filed 12-27-29. Demurrer overuled—Whitaker 12-27-28, plea—not guilty, Found J.S."; (d) On or about April 7, 1930, defendant was arrested and charged in the Criminal Court of Common Pleas, New Haven, Connecticut, as follows: "Edwin S. Pickett, Prosecuting Attorney of the Criminal Court of Common Pleas of New Haven County, now here in Court, information makes that at the town of New Haven, within the County of New Haven, on the 11th day of March, 1930, Peter Chaunt of New Haven, with force and arms, did then and there disturb and break the peace by tumultuous and offensive carriage, noise and behavior, against the peace, of evil example, and contrary to the statute in such case made and provided; whereupon the attorney prays the advice of this Honorable Court in the premises"; that defendant pleaded not guilty on April 7, 1930, and disposition was "nolled" April 7, 1930"; (c) That on the 11th day of March, 1930, defendant was arrested and charged at said city and town of New Haven that he "did commit, violate, Peter Chaunt, general breach of peace"; "plea N.G., finding G, ordered to be imprisoned in New Haven County Jail and/or to pay fine of $25.00 to stand committed until judgment satisfied. Appealed"; (3) that during the five years immediately preceding the date of defendant's petition for naturalization defendant was not and did not behave as a person of good moral character by reason among other facts of the facts as herein alleged and the concealment thereof, as herein alleged, in violation of the fourth subdivision of Section 4 of said Naturalization Act of 1906, as amended.

VI

The facts so concealed, as alleged in paragraph V hereof, are material for the reason that they violate the requirements for naturalization as provided by the Nationality Act of 1906, as amended, and for the further reason that as a result of said concealment, the Immigration and Naturalization Service and the Court did not make a further investigation as to the nature and principles of the Com-[fol. 21] munist Party of which defendant was a member, and did not make a full and proper investigation as to

whether or not defendant subscribed to the principles of the Communist Party or whether defendant was or had behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, or whether or not defendant could in open court take oath of allegiance to the United States without any mental reservation or purpose of evasion, as required by Section 4, subdivisions 3, of the Nationality Act of 1906, as amended, and by Rule 8(c) of the Rules and Regulations of the Immigration and Naturalization Service, and, as a result of said concealment, said Immigration and Naturalization Service did not make a full and proper investigation as to whether defendant had all of the qualifications for citizenship required by the Nationality Act of 1906, as amended, and, as a result thereof, said Immigration and Naturalization Service made a recommendation to the Court that said Petition for Naturalization be granted, and said Court granted said Petition for Naturalization.

VII

Before the filing of this Amended Complaint, an affidavit was executed by Maurice A. Roberts, an attorney of the Immigration and Naturalization Service, United States Department of Justice, showing good and sufficient cause for the institution of this proceeding under, and as required by, the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 (8 U.S.C.A., Section 1451(a), to set aside and cancel the naturalization of said defendant, Peter Chaunt, as having been procured by concealment of material facts and by willful misrepresentation, which affidavit is attached hereto, marked Exhibit "A" and made a part hereof, the same as though set forth at length herein.

[fol. 22] SECOND CAUSE OF ACTION

(Willful Misrepresentation)

I

Plaintiff repeats and realleges as a part of this cause of action each and all of the allegations contained in

paragraphs I, II, III, IV and VII of the First Cause of Action, and makes them a part hereof as though set forth at this point.

II

Said order admitting defendant to citizenship and said Certificate of Naturalization were procured by defendant by willful misrepresentation in that defendant in the proceedings which lead to his naturalization (1) intentionally and falsely represented that the only organization to which he belonged was the "Fraternal Benefit Society of International Workers Order", and no others, and in answer to an oral question propounded by Reuben E. Wilson, Naturalization Examiner, as follows: "Have you ever belonged to any Communist, Nazi or Fascist organization", defendant intentionally and falsely answered "No", whereas, in truth and in fact, the defendant, from on or about the year 1926, had been an active member and officer of the Communist Party of the United States; (2) intentionally and falsely represented that during the five years immediately preceding the date of his Petition for Naturalization defendant was, and behaved as, a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, and intentionally and falsely represented that it was the defendant's intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and that it was his intention to bear true faith and allegiance to the United States of America and to support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, whereas, in truth and in fact, by reason of defendant's membership in, [fol. 23] and his knowledge of the nature and principles of the Communist Party, the defendant was not and had not behaved as a person attached to the principles of the Constitution of the United States or well disposed to the good order and happiness of the United States, and it was not defendant's intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and it was not his inten-

tion to bear true faith and allegiance to the United States of America or to support or defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; (3) intentionally and falsely represented that prior to said naturalization he had never been arrested or charged with violation of any law of the United States or state or any city ordinance or traffic regulation, whereas in truth and in fact defendant had been arrested and charged with violation of the city ordinances of the City of New Haven, Connecticut, as follows: (a) On or about July 30, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, of the said city and town of New Haven, did then and there distribute in a public street, to wit: Ashmun Street, certain hand-bills against the peace of the State, of evil example, and contrary to the ordinance in such case made and provided. Ord. 729, Disposition, "Plea—not guilty—Discharged"; (b) On or about December 21, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, temporarily of said city and town did make an oration, harange, or other public demonstration in New Haven Green, outside of the churches. Pages 609 Charter and Ordinances" Disposition, "Demurrer filed 2-27-29. Demurrer overruled—Whitaker 12-27-28, plea—not guilty, Found, J.S." (c) On or about April 7, 1930, defendant was arrested and charged in the Criminal Court of Common Pleas, New Haven, Connecticut, as follows: "Edwin S. Pickett, Prosecuting Attorney of the Criminal Court of Common Pleas of New Haven County, now here in Court, information makes that at the town of New Haven, within [fol. 24] the County of New Haven, on the 11th day of March, 1930, Peter Chaunt of New Haven, with force and arms, did then and there disturb and break the peace by tumultuous and offensive carriage, noise and behavior, against the peace, of evil example, and contrary to the statute in such case made and provided; whereupon the attorney prays the advice of this Honorable Court in the premises"; that defendant pleaded not guilty on April 7, 1930, and disposition was 'nolled' April 7, 1930"; (d) That on the 11th day of March, 1930, defendant was ar-

rested and charged at said city and town of New Haven that he "did commit, violate, Peter Chaunt, general breach of the peace"; "plea N.G., finding G, ordered to be imprisoned in New Haven County Jail and/or to pay fine of $25.00 to stand committed until judgment satisfied. Appealed"; (4) Intentionally and falsely represented that during the five years immediately preceding the date of defendant's Petition for Naturalization he was and had behaved as a person of good moral character, whereas, in truth and in fact, among other things, by reason of the intentional and false misrepresentations as herein alleged, defendant was not and had not behaved as a person of good moral character during said period.

III

That the Communist Party of the United States is an organization which at all times since 1926, as the said Peter Chaunt well knew, advised, advocated, and taught the overthrow by force and violence of the government of the United States; advised, advocated, and taught the duty, necessity, and propriety of the unlawful assaulting and killing of any officer or officers of the government of the United States because of his or their official character; advised, advocated, and taught the unlawful damage, injury and destruction of property; advised, advocated, and taught sabotage; wrote, circulated, distributed, printed, [fol. 25] published, and displayed, or caused to be written, circulated, distributed, printed, published, and displayed or had in its possession for the purpose of circulation, distribution, publication, issuing, and display, written and printed matter which advised, advocated, and taught the performance of the acts described hereinabove in this paragraph; promoted, influenced, and advocated the political activities, public relations, and public policy of the Union of Soviet Socialist Republics.

IV

That at all of the times above mentioned, as the said Peter Chaunt well knew, the Communist Party of the United States was a section of an international organi-

zation called "The Communist International" and that decisions made by such organization were binding upon other Communist Parties, including the Communist Party of the United States and the individual members thereof, whether such decisions were contrary to the laws of the United States or not.

V

As a result of the intentional and willful misrepresentations by the defendant, as alleged in paragraph II hereof, the Immigration and Naturalization Service and the Court did not make a further investigation and did not make a full and proper investigation as to whether defendant had all of the qualifications for citizenship required by the Nationality Act of 1906, as amended, and as a result thereof said Immigration and Naturalization Service made a recommendation to the Court that said Petition for Naturalization be granted, and said Court granted said Petition for Naturalization.

WHEREFORE, plaintiff prays that:

1. The order of the United States District Court for the Eastern District of New York, dated on or about November 28, 1940, admitting defendant to citizenship, be revoked and set aside;

2. All official documents evidencing citizenship issued to defendant by virtue of the aforesaid Order, and particularly the original Certificate of Naturalization No. [fol. 26] 4785200 and duplicate Certificate of Naturalization No. 4785200 be cancelled and declared null and void;

3. Defendant be forever restrained and enjoined from setting up and claiming any rights, privileges, or advantages whatsoever under said order or any official document evidencing citizenship by virtue of the aforesaid order;

4. Upon entry of final decree in this case, as heretofore prayed, that same be entered and spread upon the records of this Court, and that said defendant be required to forthwith surrender and deliver his said Certificate of Naturalization to the Clerk of this Court for Cancellation, and

that the Clerk of this Court be further directed to transmit a certified copy of said final decree herein, cancelling such Certificate and setting aside said Order admitting defendant to citizenship, to the Attorney General of the United States, and to the Clerk of the United States District Court in and for the Eastern District of New York, with the directions that the same be entered upon the record in that Court, and that the original Certificate of Naturalization upon the records of Court in the Eastern District of New York be cancelled; and

5. Plaintiff have such other relief as to this Honorable Court may deem proper in the premises.

Laughlin E. Waters, United States Attorney, Max F. Deutz, Assistant U. S. Attorney, Chief, Civil Division, Arline Martin, Assistant U.S. Attorney, Attorneys for Plaintiff.

[fol. 27]

EXHIBIT "A" TO SECOND AMENDED COMPLAINT, ETC.

COPY hh

UNITED STATES OF AMERICA)
) ss C-4785200
DISTRICT OF COLUMBIA)

Maurice A. Roberts, being duly sworn, deposes and says:

1. That he is an Attorney, Immigration and Naturalization Service, United States Department of Justice, and as such has access to the official records of the said Service, from which the following facts appear:

(a) That PETER CHAUNT filed a petition for naturalization in the United States District Court for the Eastern District of New York on June 27, 1940 and was admitted to citizenship by that court on November 28, 1940, receiving naturalization certificate No. 4785200.

(b) That in the proceedings which led to his naturalization, the said PETER CHAUNT alleged under oath:

(I) That he had never belonged to any Communist, Nazi or Fascist organization and that the only organization to which he had ever belonged was the fraternal benefit society of International Workers Order.

(II) That he fully believed in the form of government of the United States; and that he did not belong to and was not associated with any organization which teaches or advocates the overthrow of existing government in this country.

(III) That he was attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; that it was his intention to renounce absolutely and forever all allegiances and fidelity [fol. 28] to any foreign prince, potentate, state, or sovereignty of which he was a subject or citizen.

(IV) That he would support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that he would bear true faith and allegiance to the same; and that he took this obligation freely without any mental reservation or purpose of evasion.

(c) That the allegations of said PETER CHAUNT as set forth in subparagraph 1(b) were false and untrue.

(d) That the said PETER CHAUNT has been an active member and officer of the Communist Party of the United States, including the Workers (Communist) Party and other organizations affiliated with or controlled by the Communist Party of the United States since at least 1926.

(e) That the Communist Party of the United States is an organization which at all times since 1926, as the said PETER CHAUNT well knew:

(I) Advised, advocated, or taught the overthrow by force or violence of the government of the United States;

(II) Advised, advocated, or taught the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers of the government of the United States because of his or their official character;

(III) Advised, advocated, or taught the unlawful damage, injury or destruction of property;

[fol. 29] (IV) advised, advocated, or taught sabotage;

(V) Wrote, circulated, distributed, printed, published, or displayed, or caused to be written, circulated, distributed, printed, published, or displayed or had in its possession for the purpose of circulation, distribution, publication, issuing, or display, written and printed matter which advised, advocated, or taught the performance of the acts described in subparagraphs 1(e), I, II, III and IV.

(VI) Promoted, influenced, and advocated the political activities, public relations, and public policy of the Union of Soviet Socialistic Republics.

(f) That at all of the times above mentioned, as the said PETER CHAUNT well knew, the Communist Party of the United States was a section of the international organization whose principal officers were citizens or subjects of the Union of Soviet Socialist Republics and the principal offices of which were situated in Moscow, in the Union of Soviet Socialist Republics; that decisions made by such organization were binding upon other Communist Parties, including the Communist Party of the United States and the individual members thereof, whether such decisions were contrary to the laws of the United States or not.

(g) That by reason of the foregoing, the said PETER CHAUNT at the time he applied for and obtained naturalization; was not attached to the principles of the Constitution or well disposed to the good order and happiness of the United States; did not intend to support and defend the Constitution and laws of the

[fol. 30] United States against all enemies, foreign and domestic; and did not intend to abjure or renounce allegiance and fidelity to the Union of Soviet Socialist Republics.

(h) That the said PETER CHAUNT intentionally and deliberately made false statements and concealed the true facts in the proceedings leading to his naturalization, as set forth in the preceding subparagraphs, in order to prevent the making of a full and proper investigation of his qualifications for citizenship; to induce the naturalization examiner to make an unconditional recommendation to the court that his petition be granted; to preclude inquiry by the court concerning his qualifications for citizenship; and to procure naturalization in violation of law.

2. That good cause exists for the institution of a suit under Section 340(a) of the Immigration and Nationality Act, 8 U.S.C. 1451(a), to set aside and cancel the naturalization of said PETER CHAUNT as having been procured by concealment of material facts and by wilful misrepresentation.

3. That the last known place of residence of the said PETER CHAUNT is 3305 West 34th Street, Cleveland, Ohio.

MAURICE A. ROBERTS
Attorney

Subscribed and sworn to at Washington in the District of Columbia this 6th day of May, 1953, before me, the Assistant General Counsel of the Immigration and Naturalization Service, United States Department of Justice, authorized by Section 332d.1 of Title 8 of the Code of Federal Regulations to administer oaths.

ALBERT E. REITHEL
Assistant General Counsel

Affidavit of Service by Mail (omitted in printing).

[fol. 30a] [File endorsement omitted]
[fol. 31]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

Honorable William C. Mathes, Judge Presiding

No. 15907-WM

UNITED STATES OF AMERICA, Plaintiff,

v.

PETER CHAUNT, Defendant.

Reporter's Transcript of Proceedings—
Filed December 22, 1958

Los Angeles, California
Tuesday, March 5, 1957

APPEARANCES:

For the Plaintiff:

Laughlin E. Waters, United States Attorney, Los Angeles 12, California; by Arline Martin, Assistant United States Attorney; and James Dooley, Assistant United States Attorney.

[fol. 32] For the Defendant:

Margolis, McTernan & Branton, 112 West Ninth Street, Los Angeles 15, California; by John W. Porter, Esq.

[fol. 33] CALVIN DERRENGER called as a witness on behalf of the plaintiff, being first sworn, was examined and testified as follows:

* * * * * * * *

[fol. 34] Direct examination.

By Miss Martin:

Q. Will you state your name and your present address?

A. Calvin W. Derrenger, address—in this city, my address—

Q. No, your home address.

A. 2931 South Grant, Arlington, Virginia.

Q. Where are you presently employed?

A. In the Department of Justice in the office of the Deputy Attorney General.

Q. Have you ever been employed in the Immigration and Naturalization Service as a preliminary examiner?

A. I have.

Q. Were you so employed in the year 1940?

A. I was.

• • • • • • •

[fol. 35] Q. With regard to this "AC," did you have an established procedure to ask any specific questions when you were determining the attachment of the petitioner to the Constitution?

A. Yes, I did.

Q. What specific questions did you ask?

[fol. 36] A. On the preliminary form there were a number of questions on that point, and in addition to that I would ask the petitioner whether he believed in Nazism, Communism or Fascism.

Q. And if he said that he did believe in Nazism, Fascism or Communism, what notation would you have made on Exhibit 2-G?

A. I would have indicated that he was not attached to the Constitution.

Mr. Porter: I move to strike the answer as not responsive to the question, which was, what notation would he have made.

The Witness: I would have put a "NAC."

By Miss Martin:

Q. What would NAC mean?

A. Not attached to the Constitution.

The Court: When you say you would have done these things, you would have said these things, do you mean that that was the custom and practice, that that was the ordinary course of business at that time to do those things in connection with the examination of a petitioner for naturalization?

The Witness: Yes, sir. These were statutory requirements and we would indicate whether they were met or not, and this is the manner of doing it.

[fol. 37] By Miss Martin:

Q. When you say "these were statutory requirements," what are you referring to by the word "these"?

A. The answers or the questions that I would ask a petitioner, that is, for instance, it is a requirement if they are able to that they speak English, and if they are able to that they read English, and things like that.

Q. It is a requirement that they be attached to the Constitution?

A. Yes, ma'am.

Q. And these notations that you have made here relate to those particular requirements?

A. They do.

Q. And you had an established practice to ordinarily ask them with regard to those requirements?

A. Yes.

Q. Whether or not it had been previously covered in any written application which the petitioner may have filled out?

A. Yes.

Q. Now, referring to the initials "NCR" on Exhibit 2-G, what do they mean?

A. They mean that I asked the petitioner if he had any record of arrests anywhere and his answer was that he had none, and the "NCR" stands for no criminal record anywhere.

* * * * * * *

[fol. 38] The Court: Just to cover this question of organization, what does the entry that you made there with respect to that mean?

The Witness: It means that in this particular case that the petitioner belonged to one organization and he said "No others." And that's—

The Court: The petitioner told you he belonged to the Fraternal Benefit Society of the International Workers Order where he was employed, and to no other organizations?

The Witness: Yes, sir.

By Miss Martin:

Q. Now, did you ask him any other questions with regard to organizations? Was it the practice and custom to ask him any other questions?

[fol. 39] A. The practice and custom was to make sure that all organizations to which the petitioner belonged were noted and with respect to organizations that would be all I would ask.

The Court: You would ask him what organizations he belonged to, and whatever answer he gave you would note on the form, Exhibit 2-G, is that it? Was that the practice?

The Witness: That was the practice, yes, sir.

By Miss Martin:

Q. And if he said he belonged to no others, you made that notation, also?

A. That was to make clear that he had answered the questions fully with respect to the organizations he belonged to.

Q. Now, if in answer to that question the petitioner had answered that he belonged to the Communist Party, what notation, if any, would you have made?

Mr. Porter: May I have that question read? I didn't hear the first part.

The Court: Please read it, Mr. Reporter.

(Question read.)

Mr. Porter: Well, I object to the question on the ground that it is hypothetical, contrary to any fact which has been elicited here.

The Court: It is in the form given. I take it what you mean is that in instances where such an answer was given [fol. 40] what was the ordinary course of business at that time, what was the custom and practice.

The Witness: The custom and practice would be just to list it among the other organizations he may have belonged to.

The Court: Just list the name?

The Witness: That's right.

* * * * * * *

[fol. 41] Q. Now, the red circle around answers to certain questions, for instance we have here Question No. 30, "Have you ever been arrested or charged with violation of any law of the United States or state or any city ordinance or traffic regulation," there is typed in in blue ink after the answer "No" in a blue typewriter, and you have circled that with a red pen and initialed it, "CD, 6-27-1940."

Now, what was your custom and practice with regard to that question?

A. The custom and practice with regard to the questioning of applicants concerning arrests was that they were to go into it very thoroughly to make sure that they gave [fol. 42] a complete answer and to indicate that we would generally circle the answer that was given, initial it and date it.

Q. When you say "to indicate that," what do you mean by that? To indicate what?

A. To indicate that the question was asked and the petitioner answered and that was the answer he gave.

Q. Now, at the time this form was presented to you were the typewritten answers already on the form?

A. They were.

Q. Then you re-asked the questions orally after putting the petitioner under oath?

A. I did.

Q. So that when he circled this answer, his oral answer to your question, "Have you ever been arrested or charged

with violation of any law of the United States or state or any city ordinance or traffic regulation," it was "No," is that correct?

Mr. Porter: Just a moment, please.

I think counsel inadvertently misspoke herself, because the question is when "he" circled the answer so as to indicate the petitioner. I think the intent was to say when "you" circled it.

Miss Martin: Pardon me.

Q. When you circled the answer to Question 30 regarding the arrests, what did that mean?

A. That means that I asked that question and that is [fol. 43] the answer that was given to me.

The Court: The answer appearing within the circle?

The Witness: Yes, sir.

By Miss Martin:

Q. So that the petitioner's answer to your oral question was "No"?

A. That is true.

* * * * * * *

[fol. 44] Q. Now, if at the time you made your preliminary examination of this petitioner—what was the custom and practice if the petitioner answered yes with regard to the question, "Have you ever been arrested"?

A. Well, I would note whatever record he might furnish me, and the petitioner would then go ahead with the filing of his petition with that record there. It would later be verified and checked, and the Designated Examiner would make his recommendation on the basis of what the record showed, and the court, of course, would do the same on that. But the facts would be known to both the Designated Examiner and the court.

Q. Now, you say that if any arrests were disclosed that it was the custom and practice at that time to verify them. Will you tell us what the procedure was?

A. Well, the office procedure, when the petition had been filed they would, if there were any items that required

further investigation, it would go to the investigative unit and they would take it up from there.

Q. Well, now, if the—

The Court: Wait a minute. "Take it up from there"?

The Witness: They would make such investigation—that is, if the petitioner said he arrested at a certain time and place, they would check with the authorities there [fol. 45] to ascertain what the results of that—whether the full facts were stated.

* * * * * * *

[fol. 46] KENNETH J. KALKE called as a witness on behalf of the plaintiff, being first sworn, was examined and testified as follows:

* * * * * * * *

[fol. 47] Direct examination.

By Mr. Dooley:

* * * * * * *

Q. Were you ever a member of the Young Communists League?

A. Yes, sir.

Q. When and where did you join the Young Communists League?

A. I joined in Buffalo, New York in 1929.

Q. How long did you remain a member of the Young Communists League?

A. The latter part of the year 1931.

Q. Are you now a member of the Young Communists League?

A. No, sir.

Q. Do you know the defendant Peter Chaunt in this case?

A. Yes, I do.

* * * * * * *

[fol. 48] By Mr. Dooley:

Q. Now, what, if anything, took place in the office of the Unemployed Council at the time that you first met Mr. Chaunt?

A. We assembled ourselves around the table and the man that was standing there, he announced that his—he said, "I am Comrade Chaunt. I am the new district organizer of the Communist Party."

* * * * * * *

[fol. 49] By Mr. Dooley:

Q. Now, after this particular conversation did you hear Mr. Chaunt speak on any other particular occasion that you can recall?

A. Yes, sir.

The Court: When next?

The Witness: This was in March of 1931.

The Court: Where?

The Witness: In Rochester, New York.

The Court: Who was present?

The Witness: It was a district convention of the Young Communist League.

The Court: What did you hear him say?

The Witness: He was the principal speaker at this convention and I can't quote his exact words.

The Court: Tell us the substance, if you can, of what he said.

The Witness: He spoke to us as the Young Communist League, pointing out the important part we played in the working class struggle because we were the recruiting field of young workers, and we trained them, and subsequently they progressed and then became part of the Communist Party.

Also in this speech he told us that as members of the [fol. 50] Young Communist League it was our duty to fight for the interest of the Soviet Union because all the capitalist countries were intent on destroying the Soviet Union because it was the only country at that time that had a true government of workers, a true socialism.

That, in substance, was the basic part of the speech, your Honor.

By Mr. Dooley:

Q. Was Mr. Chaunt introduced at the convention as a speaker?

A. Yes, sir, he was.

Q. How was Mr. Chaunt introduced at this convention?

Mr. Porter: I object to the question as calling for hearsay.

The Court: Do you mean by that what did he hear the person who introduced him say?

Mr. Dooley: Yes, your Honor. I believe it was in the presence of Mr. Chaunt and thus would be admissible.

The Court: Lay the foundation.

Was Mr. Chaunt present when he was introduced?

The Witness: Yes, he was.

The Court: Do you know who introduced him?

The Witness: Yes, sir.

The Court: Who?

The Witness: Ethel Stevens, the district organizer of [fol. 51] the Young Communist League.

The Court: What did you hear Ethel Stevens say in introducing the defendant, if you can recall?

The Witness: I can't quote the exact words.

The Court: The substance of it.

The Witness: In substance, that our next speaker will be Comrade Chaunt, the district organizer of District No. 4 of the Communist Party.

* * * * * * * *

[fol. 52] By Mr. Dooley:

Q. Mr. Kalke, do you know the area covered by the Buffalo District of the Communist Party?

A. Yes, sir.

Q. In 1931?

A. Yes, sir.

Q. What was the area covered by the Buffalo District?

A. It covers all of western New York and part of central New York and south central, and it took a little part of northwest Pennsylvania.

Q. Do you know the number of the district?
A. It was District No. 4.

. . . . . .

[fol. 52a] [File endorsement omitted]
[fol. 53]

Reporter's Transcript of Proceedings—
Filed December 22, 1958

Los Angeles, California
Wednesday, March 6, 1957

. . . . . .

[fol. 54] GEORGE E. DUEMLER called as a witness by and on behalf of the Government, having been first duly sworn, was examined and testified as follows:

. . . . . .

Direct examination.

By Mr. Dooley:

. . . . . .

[fol. 55] Q. Where and when did you first become acquainted with the defendant Peter Chaunt?

A. In St. Louis in the early 1930's. The exact dates I can't give. But for approximately a 2-year period including the year 1933, I knew him very well.

. . . . . .

[fol. 56] By Mr. Dooley:

Q. Do you recall a specific meeting at which Mr. Chaunt advised you as to his business or profession?
[fol. 57] A. Yes.
Q. I will come back to that later.

The Court: When did it occur, where, and who was present?

By Mr. Dooley:

Q. When did it occur?
A. One such occasion was in Columbia, Missouri, in the

Tiger Hotel on July 3, 1933, in the ballroom of the hotel where a convention was in progress.

Q. What was the name and nature of this convention?

A. It was the Continental Congress of Workers and Farmers.

Q. Did you, Mr. Duemler, have any official capacity in connection with this convention?

A. Yes. I was the convenor of the convention and in the chair.

Q. Now, before this convention took place, had you had any conversations with the defendant concerning this convention?

A. Yes.

Q. About when?

A. Approximately two weeks, possibly a little more, prior to the July 3 date.

Q. Where did this conversation occur?

A. The first conversation that I remember was a telephone conversation, and I talked to Mr. Chaunt at least [fol. 58] once, possibly twice or three times, in person, about this convention.

Q. Do you recall where this occurred?

A. On one occasion at the Communist Party Headquarters in St. Louis.

Q. Where was the Communist Party Headquarters located in St. Louis?

A. In the 1200 block of Garrison Avenue. I think it was twelve forty something or twelve fifty something. It was on the west side of the street, an odd number. I don't remember the exact street address.

Q. Who requested this conversation?

A. Mr. Chaunt.

Q. Do you recall the exact words that were used at this conversation?

A. No, not all the exact words. I remember the substance of the conversation.

Q. What, in substance, did Mr. Chaunt say to you and what did you say to him?

Mr. Porter: Pardon me. May we know whether anyone else was present, your Honor.

The Witness: I think no one else was present, although I may be mistaken in that.

By Mr. Dooley:

Q. What, in susbtance, did Mr. Chaunt say to you and [fol. 59] what, in substance did you say to him?

A. He asked me to furnish credentials for the Communist Party to participate in the coming convention, and I told him that I had no alternative but to deny the request and stated my reasons.

Q. Going back to the convention, in what city did this convention take place?

A. Columbia, Missouri.

Q. And it was where?

A. At the Tiger Hotel.

Q. Were you present at the opening of the convention?

A. Yes.

Q. What was your capacity at the opening of the convention?

The Court: You have been all over this before. He said he was in the chair, that he called it.

Mr. Dooley: I am sorry. I didn't realize I had covered it.

The Court: You got into this because you were going to ask him about a conversation in which, as I understand it, he said the defendant told him what his occupation was, what he did, or who he was. You never did get around to asking him that.

Mr. Dooley: Well, I don't think the witness knows a specific date.

[fol. 60] The Court: He said he did. He said July 3, 1933, at the Tiger Hotel in Columbia, Missouri, and you never did ask him what was said about it.

Now, let us ask him now as long as we have the subject up.

What did he tell you at that time, if anything, about who he was or what his connection was or what his occupation was?

The Witness: This was in the convention hall while the convention was in session and I was in the chair trying

to organize the convention, which was made up of representatives of quite a number of organizations throughout the State, and Mr. Chaunt, at the head of a group of people, marched down the center aisle of the convention and openly demanded—

The Court: What did he say?

The Witness: He said, "I make a demand that credentials to furnished to the Communist Party," and several other organizations that he represented.

From the chair I denied his request, told him that the proper procedure was to appear before the credentials committee and, as I remember it, he renewed his demand and got a later promise from me that the convention would vote on his request if presented by the credentials committee.

I wouldn't remember too much of the exact words.

The Court: Had he ever prior to that time told you what his occupation was?

The Witness: Yes.

[fol. 61] The Court: When?

The Witness: On several occasions. Specifically, I know that—

The Court: About when?

The Witness: In one of the conversations that I related within the two-weeks prior to this July 3rd date.

The Court: Where?

The Witness: At the Communist Party Headquarters.

The Court: In St. Louis?

The Witness: In St. Louis.

The Court: Who was present?

The Witness: I think only Mr. Chaunt and I. There may have been someone else present, but I don't recall.

The Court: What did he tell you?

The Witness: He told me that he was the organizer, district organizer, of the Communist Party.

The Court: Did he tell you for what district?

The Witness: For the St. Louis district. I at that time knew the number of it. I don't remember it now. It was the district that took in St. Louis and the area around St. Louis.

It was not news to me then. He had told me on previous occasions that he was the party organizer for the district, and I had previously discussed that with him.

• • • • • • •

[fol. 62] Cross examination.

By Mr. Porter:

• • • • • • •

[fol. 63] Q. To use what has become a journalistic cliche in recent times, would it be fair to say that at that time and place Chaunt was "Mr. Communist"?

A. Well, in my mind that would be correct.

Q. And would you say that would be the community view at that time?

A. I don't think the community had any view, other than the groups of people who would have occasion to meet with the Communists or rub shoulders with them in some way or another.

Q. But at any rate when the Communist Party spoke publicly it spoke through him, is that right?

A. Well, as I said, he was not the public speaker of [fol. 64] the organization.

Q. Well, I don't mean speaking in a literal sense but figuratively.

A. I was at that time convinced, and I am now, that he was the one person in complete authority so far as the Communist Party was concerned in that area.

• • • • • • •

[fol. 65] JOHN LAUTNER called as a witness by and on behalf of the Government, having been first duly sworn, was examined and testified as follows:

• • • • • • •

[fol. 66] Direct examination.

By Miss Martin:

Q. When did you first meet Mr. Chaunt?

A. I think it was in 1931.

[fol. 67] Q. Where was that?

A. That was in Hamilton, Ontario, in a Communist Party training school that we organized there.

Q. That what?

A. That we organized over there, the Canadian Communist Party.

Q. What was the occasion of your first meeting with Mr. Chaunt at that school?

A. I was the school director in addition to some other functions, and I had a discussion with Sam Carr, who was the executive secretary of the Canadian Communist Party, that we needed help in covering subject matters in the school, and he suggested to get the aid, the help, of some party leaders from the States, and Peter Chaunt, who at that time was district organizer of the Communist Party in Buffalo, was one of them who was considered as coming in to the class, and I think it was Leo Rosztovsky, who was also at that time in Canada, who either called Peter Chaunt or went over to Buffalo to bring him over, and Peter Chaunt was in the class for about three days.

Mr. Porter: I move to strike all of that answer except the last part, to the effect that Peter Chaunt was in that class for about three days, on the ground that it is irrelevant and immaterial and unrelated to any issue in the case, and hearsay, if your Honor please.

[fol. 68] The Court: Motion granted.

Miss Martin: Your Honor, it might be unresponsive in part to the question, but I think it is all matter that is material and which would be elicited in response to subsequent questions, and on that ground I move to reinstate it.

The Court: Motion denied.

Just listen to the questions, Mr. Lautner, and answer them as precise as you can. If you feel your answers need any explanations, you may add an explanation. But first answer the question.

The Witness: Yes, sir.

By Miss Martin:

Q. You saw Mr. Chaunt in attendance at the 3-day session of this Canadian school?

A. Yes.

Q. Did you have anything to do with the fact that Mr. Chaunt was one of the pupils at the school?

Mr. Porter: I object to the question on the ground that it is irrelevant, incompetent and immaterial and calls for a conclusion.

The Court: Sustained.

By Miss Martin:

Q. Do you know how it came about that Mr. Chaunt was one of the persons who was a student at the school?

A. Yes.

[fol. 69] Q. Will you tell us how?

A. Well, it came about by me asking for additional help in covering the subject matters in the school from the Canadian Party, and it came about—

Mr. Porter: It seems to me that that answers the question, your Honor.

The Court: Yes.

Did he come to the school in response to this request you made?

The Witness: Yes, your Honor.

The Court: Did you meet him then?

The Witness: Yes.

The Court: Was he introduced to you by someone or did he introduce himself?

The Witness: Well, he was introduced.

The Court: By someone?

The Witness: That is correct.

The Court: Who was that someone?

The Witness: Well, Leo Rosztovsky was one of them.

The Court: Who was present at the time?

The Witness: The whole class.

The Court: How many in the class?

The Witness: About 20 students.

The Court: It was at this school?

The Witness: That is correct.

[fol. 70] The Court: In Canada?

The Witness: In Hamilton, Ontario.

The Court: What was the time?

The Witness: This was in the summer of 1931.

The Court: What was said at the time the defendant was introduced to you? What was the substance of it?

The Witness: That he was Peter Chaunt and he came over upon request from Buffalo and he was to teach in the school.

The Court: What did he say? Was that all said?

The Witness: Well, that was about all.

The Court: Was that said at that time on that occasion?

The Witness: In substance, that he was here and teaching.

The Court: Who said that?

The Witness: Rosztovsky.

The Court: What did the defendant say, if anything?

The Witness: I have no recollection. I was glad that he was there. He came to teach because we were short of teachers.

By Miss Martin:

Q. Did he subsequently teach at the school?

A. Yes.

Q. Did you attend any of the classes which he taught?

A. I was there all the time.

Q. How many classes did he teach?

A. Three days.

[fol. 71] Q. Regarding the first day at the class that he taught, do you remember anything that he said?

A. No. I only remember the subject matter that he taught.

Q. What was the subject matter?

A. Leninism.

Q. Do you remember the substance of his teachings on Leninism?

A. I wouldn't.

Q. When you say "Leninism," what do you mean?

Mr. Porter: I object to that question on the ground it is irrelevant and immaterial.

The Court: Overruled.

The Witness: Leninism was a subject matter teaching th basic principles, writings, of Lenin, and its application a that particular time.

The Court: What did he teach in the second?

The Witness: All three days.

The Court: That is what he taught all three days?

The Witness: That is correct, because other teacher taught other subject matters.

By Miss Martin:

Q. Now did Mr. Chaunt attend any of the other classe that were taught by other teachers, do you know?

A. No, I don't think so.

[fol. 72] Q. Did you have any further conversations wit him at the time of this school in Canada?

A. No. Outside of class I didn't see Peter Chaunt.

Q. When did you next see him after the conclusion o this school?

A. Well, I met him at National Committee meetings an national conventions as district organizer. I was a distric organizer in West Virginia, he was in Missouri after 1936 and I met him in National Committee meetings and con ventions.

Q. Do you remember the first convention at which yo met Mr. Chaunt?

A. Well, the one that stands out in my mind, he cam into this particular convention with a delegation of nu pickers that we put on strike in Missouri at that time. think it was the 1938 convention.

The Court: In this school in Hamilton, Ontario, was h connection, if any, with the Communist Party made know to you by him?

The Witness: Yes.

The Court: Did he tell you something about it?

The Witness: Your Honor, I wouldn't recall.

The Court: How was he known to you at the scho there?

The Witness: He was known to me as a party lead prior to this meeting. I knew of him, for instance, as a d trict organizer in Connecticut when I joined the Commun

[fol. 73] Party, and him being a Hungarian and I was a Hungarian there was a mutual interest.

The Court: How did you know him there at the school? How was he known to you? Did he hold some office?

The Witness: Yes.

The Court: Was he known to you as holding some office?

The Witness: Yes. At that time he was known to me as the district organizer of the Communist Party in Buffalo, the upstate New York district of the Communist Party.

By Miss Martin:

Q. Now you say you met him at a national convention in 1938. Where was that national convention held?

A. Well, that convention was held in New York City in 1938. I think it was in Manhattan Center on 34th Street.

Q. Do you remember the occasion where you met Mr. Chaunt at that convention?

A. Well, it was a Communist Party convention and every delegate met everybody else.

Q. How many days did the convention last?

A. Three or four days.

Q. You saw him in attendance at the first day, did you?

A. He was head of his delegation from Missouri and I was held of my delegation from West Virginia.

* * * * * * *

[fol. 74] The Court: Mr. Lautner will now resume the stand.

JOHN LAUTNER called as a witness by the plaintiff, being previously sworn, resumed the stand and testified further as follows:

Direct examination (Continued).

* * * * * * *

[fol. 75] By Miss Martin:

Q. When was the last time you saw the defendant Peter Chaunt prior to this afternoon?

A. I think it was in 19—in the winter of 1945, late in 1945.

Q. And where was that?

A. In Cleveland, Ohio.

Q. What was the occasion? Was anyone else present?

A. Yes.

[fol. 76] Q. Who else was present?

A. We were organizing a district bureau—

Q. When you say "we" who do you mean?

A. I was the national secretary of the Hungarian Bureau at that time.

Q. Of the Communist Party.

A. Of the Communist Party.

• • • • • • • •

[fol. 77] By Miss Martin:

Q. You were naming the persons who were present at the time you last saw Mr. Chaunt.

A. At this particular meeting?

Q. Yes,

A. There was a person who was the wife of the superintendent of the building where we were meeting. It was the Hungarian Workers Home on Buckeye Road in Cleveland, Ohio, and Pete Chaunt, and one or two others—

Q. Do you know in what capacity Mr. Chaunt attended that meeting?

A. Yes.

Q. What capacity?

A. He was at that time the district representative to this meeting.

[fol. 78] Q. District representative of what?

A. Of the Ohio District of the Communist Party. He was the nationality group secretary in the Cleveland District at that time.

Q. What did he say at that meeting, if anything?

A. Well, I don't know the exact words of what was said

Q. Do you know the substance of what was said?

A. There were two things that we have to resolve a this meeting, one to instill in those present a more vigilar attitude toward reversionism of the Browder type, to erad cate any vestiges of his thinking in the minds of th

Hungarian Party membership in Cleveland, Ohio, and to organize a bureau that will give leadership to the Hungarian community, the party members and the party sympathizers in that district.

These were the two problems that we tackled there.

• • • • • • •

[fol. 79] [File endorsement omitted]

Reporter's Transcript of Proceedings—
Filed December 22, 1958

Los Angeles, California
Thursday, March 7, 1957

• • • • • • •

[fol. 80] JOHN LAUTNER, the witness on the stand at the time of adjournment, having been previously duly sworn, resumed the stand and testified further as follows:

• • • • • • •

[fol. 81] The Witness: The next time, my recollection is that I came in from West Virginia somewhere in the summer of 1940 and had a discussion with Chaunt on one of the students that I sent to the International Workers, or the school, on the progress he made in that school.

Mr. Porter: I think the question was answered some time ago.

By Miss Martin:

Q. Where was this discussion held?

A. At the IWO Headquarters at 85th Avenue, New York.

Q. Who else was present?

A. I have no recollection.

Q. What was said, if anything, at that time by you or Mr. Chaunt?

A. Well, I asked him what his estimate was about the student that we sent from Fairmont, West Virginia, to that school.

The Court: To what school?

[fol. 82] The Witness: To the IWO Training School.

The Court: Where?

The Witness: New York City.

[fol. 83] Q. And what is the meaning of IWO?

A. The International Workers Order.

Q. What was that?

A. That was a fraternal sick and death benefit unde the leadership of the Communist leaders in the organ zation.

Mr. Porter: I move to strike the phrase, "under th leadership of—" whatever it was, on the ground that thi is an opinion and conclusion without foundation havin been laid.

The Court: That is the way it was known to you?

The Witness: I was one of them later on. I was nationa secretary of the Hungarian section of it.

The Court: Motion denied.

By Miss Martin:

Q. When you were the national secretary of the Hun garian section of the IWO were you assigned to tha position as a member of the Communist Party?

A. That's right.

Q. Now, at the time you had this conversation with Mr Chaunt in 1940 what was said, if anything?

A. Well, in substance I inquired about the progress o this particular student who I sent up to that trainin school. He was from Fairmont, West Virginia and h name was Manuel, Emanuel Valone.

Q. Did Mr. Chaunt say something about the progress o this student?

[fol. 84] A. I wasn't in the—

Q. My question was, did Mr. Chaunt give you a repo with regard to this student?

A. Evidently he did. I have no recollection what he sai

The Court: What was the occasion of your inquiri about this student from him, from the defendant?

The Witness: Mr. Chaunt was the assistant school rector of the International Workers Order and in char of that schooling.

The Court: At that time?
The Witness: At that time.

By Miss Martin:

Q. Did he hold that position as an assignment from the Communist Party? Do you know?

Mr. Porter: I object to that question as calling for hearing and conclusion.
The Court: Sustained.

By Miss Martin:

Q. When did you next see Mr. Chaunt?
A. Well, my recollection is that 1940, summer, up to November 1942, I met Mr. Chaunt on numerous occasions, practically—there were times every day when we were working out of the same office, same floor, from the same organization, the International Workers Order.

Mr. Porter: Excuse me. We have a complicated order, because this answer involves an overlapping of periods [fol. 85] here and perhaps it isn't necessary for me to call attention to that, but I wanted to move to strike any reference to the period after naturalization in this answer in line with the position taken by the defendant earlier which your Honor permitted.
The Court: Very well. You may reserve a motion, if you wish, to strike any testimony with respect to any acts and conduct of the defendant subsequent to naturalization. And the motion will be denied.
Miss Martin: Did you complete your answer to that question?
The Witness: I did.
The Court: This International Workers Order, was it an organization that you participated in the organizing of?
The Witness: Your Honor, this organization was a sick and death benefit fraternal organization controlled, directed and dominated by the Communist Party. It was a multi-national organization. They had a Hungarian section, Ukranian section, Russian section, Lithuanian section, all

kinds of national group sections in it; total membership was somewhere around 160,000.

Now, they had an over-all general leadership like president, executive secretary and various other functionaries, and then each national group on its own, as a section, had a national secretary and a staff working in that particular national group. So, that's the type of organization it was. [fol. 86] And in 1941, spring, a number of us from the Communist Party were sent into that organization by the Communist Party into leadership to give more political content and strength and guidance for that organization. I was amongst one of those who was sent in by the Communist Party into that organization at that time, and I just became a member about a month before then.

The Court: Was the defendant in the organization at that time?

The Witness: Yes, he was. He was on the educational staff. I think he was assistant school director, education, to Emanuel Lavine, who was educational director of the general staff.

The Court: That was in 1940?

The Witness: 1941. Well, '41 when I went in there.

The Court: When was the first time you knew the defendant to be connected with that organization?

The Witness: All along in the 1940's, '39, '41, '42, up to about—until I left for the Army. When I came back in '45 I have no recollection that he was with the organization; or, he may have been for a few months. I don't know.

The Court: What position or what connection did you know him to have at that time, the time you last knew of his connection?

The Witness: As a full-time functionary in that organi [fol. 87] zation.

The Court: Did he hold some office?

The Witness: Yes.

The Court: That is what I am asking.

The Witness: Assistant educational director or schoo director.

By Miss Martin:

Q. When you say a "full-time functionary," what do you mean by that?

A. Full-time paid person who devotes all his time and energy to his particular assignment which he has.

Q. And is "functionary" a word used in the Communist Party?

The Witness: It is.

The Court: What meaning does it have when used in the Communist Party?

The Witness: It means—a functionary in the Communist Party is a person who has a specific responsibility designated to him as an individual. If that responsibility takes up part of his time he is known as a "part-time functionary." If it takes up all his time, that functionary is known as a "full-time functionary" or "professional revolutionary" in the Communist Party.

* * * * * * *

[fol. 88] Cross examination.

By Mr. Porter:

Q. Mr. Lautner, I am not very clear as to exactly when and where and how you claim to have known the defendant Peter Chaunt, and I want to ask you a number of questions about your own career in order to try to clarify this point.

Now, as I understand it, your first acquaintance with the defendant took place at the training school in Hamilton, Ontario, in the summer of 1931, is that right?

A. Somewhere around that. Yes, that is correct.

Q. You had not previously met the man you call Peter Chaunt?

A. I wouldn't say that. I have no recollection of it. I may have met him before that. I knew of him before that, but I have no recollection that I met him before that.

Q. You say you knew of him before?

A. That is correct.

[fol. 89] Q. What did you know of him before?

A. I knew him as a party leader who was developed by the Hungarian Communist Movement in the United States

and given over to the general movement as one of the outstanding party leaders of the American party in the last 1920's and early 1930's.

• • • • • • •

[fol. 90] Q. Would you say that he was well known in the party?

A. Well, in leading circles he was well known.

The Court: What do you mean by "leading circles"?

The Witness: High functionaries of the party and so-called old-timers in the party, he was well known.

By Mr. Porter:

Q. And he was, of course, well known by the membership, was he not, in the district which he headed—.

A. I suppose he was.

• • • • • • •

[fol. 91] Offers in Evidence

Miss Martin: I want, at this time, to offer in evidence Government's Exhibits 1-A, 1-B, 1-C, 1-D and 1-E, which are identified—

The Court: Is the foundation covered by the stipulation?

[fol. 92] Miss Martin: Yes, I believe it is, your Honor.

The Court: Do you agree, Mr. Porter?

Mr. Porter: At the moment I don't recall what those are, your Honor.

Miss Martin: Those are certified copies from the New Haven courts of the various charges of arrests as alleged in the complaint.

Mr. Porter: Their admissibility is stipulated to, your Honor.

The Court: Very well. Then Exhibits 1-A, 1-B, 1-C, 1-D and 1-E for identification are now received in evidence.

(The exhibits referred to, marked Plaintiff's Exhibits 1-A to 1-E, inc., were received in evidence.)

• • • • • • •

[fol. 93]

IN UNITED STATES DISTRICT COURT

PLAINTIFF'S EXHIBIT 1-A FOR IDENTIFICATION

Case #15907-WM
Witness: Peter Chaunt
E. Kent Snyder, N.P.
May 5, 1955

Page 1 of 3

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN

30 Day of July A. D. 1929

To the Honorable City Court of New Haven, holden within and for the City and Town of New Haven in New Haven County, comes Harry M. French, City Attorney, of the City of New Haven, and on his oath of office complaint and information makes, that on the 30 day of July A. D. 1929, at said City and Town of New Haven, Peter Chaunt of the said City and Town of New Haven, did then and there distribute in a public Street, to wit: Ashmun Street certain hand-bills against the peace of the State, of evil example, and contrary to the Ordiance in such case made and provided.

Ord. 729

[fol. 94]

Wherefor the said Harry M. French City Attorney, prays process, and that the

Peter Chaunt

said may be arrested, held to answer this complaint, and be thereon dealt with according to law.

Dated at New Haven, the day and year aforesaid.

H. M. French *City Attorney*

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN

30 Day of July A. D. 19

To the Sheriff of said County of New Haven, his Dep
or either of the Constables of the Town of New Ha
within said County, and to any member of the Po
Department of the City of New Haven, GREETING:

BY AUTHORITY OF THE STATE OF CONNECTICUT. YOU
hereby commanded to arrest the body of the within nam

Peter Chaunt

and him her forthwith have before the City Court
New Haven, holden within and for the City and To
of New Haven in New Haven County, to answer to
charges alleged against him her in the foregoing compla
of Harry M. French City Attorney, of the City of N
Haven, in said County, and be dealt with thereon as the
directs.

Hereof fail not, but of this warrant, service and ret
make, according to law.

Dated at New Haven, the day and year last aforesaid

..... *Judge of said City Co*
H. M. French *City Attorney of said C*

1-A (E.K.S.)
Page 2 of 3

[fol. 95]

COPY

Date Aug. 3 1929 No. 135

STATE

vs.

Peter Chaunt

Complaint and Information for
Illegal Distributing of Hand Bills

Guardian ad litem: Attorney L. Sachs

Plea, Not Guilty Found Not Guilty

Discharged

Binding over Bond, $
Appeal Bond,
Bondsman,

Ordered to be imprisoned days in New Haven County Jail.
To pay fine of $
To pay cost of Prosecution taxed at $
and to stand committed until judgment is satisfied.

Court,	$3.00
Subpoena,	.25
Officers' Fees,	
Witness' Fees,	
Expenses Allowed,	
Custody of Prisoner day at $1.00 per day	
	$
Costs { Commitment	
	$

Continuance Bond, $
Bondsman,

Continued from to
" " "
" " "
" " "
" " "
" " "

Operator's License No.
Registration No.
Police Record No. 89265

A. E. DeCapua, asst. Clerk

NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN,

July 30 A. D. 1929

Then and there by virtue of the within complaint and warrant, I arrested the body of the within named, Peter Chaunt and read the same in his her hearing, and now have him her them here in Court, before the City Court of New Haven, holden within and for the City and Town of New Haven, in New Haven County, for examination.

FEES:

Travel to arrest, miles at 10 cents per mile,	$
Arrest,	
Travel to Court with prisoner, miles, at 25 cents per mile,	
	$
Summoning witnesses, readings, at 12 cents per reading,	
Travel to summons miles, at 10 cents per mile,	
Attendance at Court with prisoner, days, at 50 cents per day,	
Endorsement of service of subpoena,	.12
Expenses in producing prisoner,	$

Attest:

Edward Twohill
Policeman.

[fol. 96]

THE CITY COURT OF NEW HAVEN,

NEW HAVEN, CONNECTICUT.

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.*

State CLERK'S OFFICE.

vs.

Peter Chaunt

I, Maxwell A. Alderman, Clerk of the City Court of New Haven, in the County of New Haven, and the State of Connecticut, and keeper of the files, records, and seal thereof, do hereby certify that the attached and foregoing is a true and complete copy of Warrant No. 135 dated August 3, 1929 in the name of the above as appears in our records.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at New Haven, this 24th day of June A. D. 1953.

/s/ MAXWELL A. ALDERMAN
Clerk.

[Seal
Municipal Court
Official Seal
New Haven, Conn.]

1-A (E.K.S.)
Page 3 of 3

[fol. 97]

IN UNITED STATES DISTRICT COURT

PLAINTIFF'S EXHIBIT 1-B FOR IDENTIFICATION

Case #15907-WM
Witness: Peter Chaunt
E. Kent Snyder, N.P.
May 5, 1955

Page 1 of 3

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN

21 Day of Dec. A. D. 1929

To the Honorable City Court of New Haven, holden within and for the City and Town of New Haven in New Haven County, comes HARRY M. FRENCH City Attorney, of the City of New Haven, and on his oath of office complaint and information makes, that on the 21 day of Dec. A. D. 1929, at said City and Town of New Haven, Peter Chaunt Temporarily of said City and Town did make an oration, harangue, or other public demonstration in New Haven Green, outside of the churches.

Page 609 Charter & Ordinances

[fol. 98]

Wherefor the said City Attorney, prays process, and that the Peter Chaunt said may be arrested, held to answer this complaint, and be thereon dealt with according to law.

Dated at New Haven, the day and year aforesaid.

H. M. French *City Attorney*

1-B (E.K.S.)
Page 2 of 3

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN

21 Day of Dec. A. D. 1929

To the Sheriff of said County of New Haven, his Deputy or either of the Constables of the Town of New Haven within said County, and to any member of the Police Department of the City of New Haven, GREETING:

BY AUTHORITY OF THE STATE OF CONNECTICUT. You are hereby commanded to arrest the body of the within named

Peter Chaunt

and him her forthwith have before the City Court of New Haven, holden within and for the City and Town of New Haven in New Haven County, to answer to the charges alleged against him her in the foregoing complaint of HARRY M. FRENCH Attorney, of the City of New Haven, in said County, and be dealt with thereon as the law directs.

Hereof fail not, but of this warrant, service and return make, according to law.

Dated at New Haven, the day and year last aforesaid.

..... *Judge of said City Court.*
H. M. French *City Attorney of said City.*

[fol. 99]

COPY

Date Dec. 27 1929 No. 512

STATE

vs.

PETER CHAUNT

Complaint and Information for Violation Park Rules

Guardian ad litem: Attorney

Plea, Not Guilty Found Guilty

J. S.

Binding over Bond, - - - - - - - - - $
Appeal Bond, - - - - - - - - -
Bondsman,

Ordered to be imprisoned days in New Haven County Jail
To pay fine of - - - - - - - - $
To pay cost of Prosecution taxed at $
and to stand committed until judgment is satisfied.

Court, - - - - - - - - - -	$3.00
Subpoena, - - - - - - - - - -	.25
Officers' Fees, - - - - - - - - -	
Witness' Fees, - - - - - - - - -	
Expenses Allowed, - - - - - - - - -	
Custody of Prisoner day at $1.00 per day	
	$
Costs } Commitment - - - - - -	
	$

Continuance Bond, $
Bondsman,

Continued from to
" " "
" " "
" " "
" " "
" " "

Operator's License No. .....
Registration No. .....
Police Record No. 89265

A. E. DeCapua, asst. Clerk

12/27/29 Demurrer Filed
12/27/29 Demurrer overruled—Whitaker, J.

NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN,

Dec. 21 A. D. 1929

Then and there by virtue of the within complaint and warrant, I arrested the body of the within named, Peter Chaunt and read the same in his her hearing, and now have him her them here in Court, before the City Court of New Haven, holden within and for the City and Town of New Haven, in New Haven County, for examination.

FEES:

Travel to arrest, miles at 10 cents per mile,	$
Arrest,	
Travel to Court with prisoner, miles, at 25 cents per mile,	
	$
Summoning witnesses, readings, at 12 cents per reading,	
Travel to summons miles, at 10 cents per mile,	
Attendance at Court with prisoner, days, at 50 cents per day,	
Endorsement of service of subpoena,	.12
Expenses in producing prisoner,	$

Attest:

John McCormack
Policeman.

[fol. 100]

THE CITY COURT OF NEW HAVEN,
NEW HAVEN, CONNECTICUT.

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.*

State CLERK'S OFFICE.

vs.

Peter Chaunt

I, Maxwell A. Alderman, Clerk of the City Court of New Haven, in the County of New Haven, and the State of Connecticut, and keeper of the files, records, and seal thereof, do hereby certify that the attached and foregoing is a true and complete copy of Warrant No. 512 dated December 27, 1929 in the name of the above as appears in our records.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at New Haven, this 24th day of June A. D. 1953.

/s/ MAXWELL A. ALDERMAN
Clerk.

[Seal
Municipal Court,
Official Seal
New Haven, Conn.]

1-B (E.K.S.)
Page 3 of 3

[fol. 101]

IN UNITED STATES DISTRICT COURT

PLAINTIFF'S EXHIBIT 1-C FOR IDENTIFICATION

Case #15907-WM
Witness: Peter Chaunt
E. Kent Snyder, N.P.
May 5, 1955
Page 1 of 2

STATE OF CONNECTICUT) CITY COURT OF NEW HAVEN
vs) CITY OF NEW HAVEN
PETER CHAUNT) DECEMBER 27th, 1929.

DEMURRER

The accused, Peter Chaunt, demurs to the information as filed in this case, and as reasons therefor sets forth the following:

1. The information is insufficient in law.

2. The information does not state facts constituting an offense.

3. The ordinance under which the accused is charged is unconstitutional and void in that it violates Paragraphs 1, 5, and 6, of Article First of the Constitution of Connecticut and the Fourteenth Amendment of the Constitution of the United States.

4. It appears from the information that the accused is charged with making an oration, harangue, or other public demonstration in New Haven Green, although there is no allegation in said information stating that said New Haven Green is a public park; and on the contrary, it appears from said information that the place where the accused is charged with making said oration, harangue, or other public demonstration is not a public park within the meaning of said Rule 5 of the Park Regulations.

The Accused, Peter Chaunt;

By JACOB BELFORD
His Attorney

[fol. 102]

(Copy)

CITY COURT OF NEW HAVEN
CITY OF NEW HAVEN

STATE OF CONNECTICUT

vs

PETER CHAUNT

DEMURRER

DEMURRER** OVERRULED
WHITAKER J.

Belford and Manfreda
Attorneys and Counselors at Law
39 Church Street
New Haven, Conn

1-C (E.K.S.)
Page 2 of 2

[fol. 103]

IN UNITED STATES DISTRICT COURT

PLAINTIFF'S EXHIBIT 1-D FOR IDENTIFICATION

Case #15907-WM
Witness: Peter Chaunt
E. Kent Snyder, N.P.
May 5, 1935

Page 1 of 2

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN,
11th day of March A. D. 1930

To the Honorable City Court of New Haven, holden within and for the City and Town of New Haven, in New Haven County, comes Daniel Pouzzner, Assistant City Attorney of the City of New Haven, and on his oath of office complaint and information makes, that on the 11th day of March A. D. 1930, at said City and Town of New Haven

Peter Chaunt

the accused did commit violate

General Breach of the Peace

Wherefore the said Assistant City Attorney prays process, that the said accused may be arrested, held to answer this complaint and be thereon dealt with according to law.

Dated at New Haven, the day and year aforesaid.

Daniel Pouzzner, *Assistant City Attorney.*

STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.* CITY OF NEW HAVEN,
11th day of March A. D. 1930

To the Sheriff of said County of New Haven, his Deputy, or either of the Constables of the Town of New Haven, within said County, and to any member of the Police Department of the City of New Haven—GREETING:

BY AUTHORITY OF THE STATE OF CONNECTICUT, YOU are hereby commanded to arrest the body of the within named

Peter Chanut

and him, her, them forthwith have before the City Court of New Haven, holden within and for the City and Town of New Haven, in New Haven County, to answer to the charges against him, her, them in the foregoing complaint of Daniel Pouzzner, Assistant City Attorney of the City of New Haven, in said County, and be dealt with thereon as the law directs.

Hereof fail not, but of this warrant, service and return make, according to law.

Dated at New Haven, the day and year last aforesaid.

Daniel Pouzzner, *Assistant City Attorney.*

[fol. 104]

NEW HAVEN COUNTY, *ss* CITY OF NEW HAVEN,

March 11th A. D. 1930

Then and there by virtue of the within complaint and warrant I, Officer Frank X. Keane No. ..... Sta. ..... arrested the body of the within named,

Peter Chaunt

Age ..... Police Record No. 89265

Operator's License No. .....

Registration No. .....

and read the same in his her hearing, and now have him her them here in Court, before the City Court of New Haven, holden within and for the City and Town of New Haven, in New Haven County, for examination.

Frank X. Keane
Policeman.

65c

Date Mar 12 1930 No. 172

STATE

COPY *vs.*

Name Peter Chaunt

Address .....

City .....

Complaint and Information for

1 Gen. Breach of the Peace

Attorney: Jacob Belford,

Count	Plea	Finding	Ordered to be imprisoned in New Haven County Jail and/or to pay fine of
1	N.G.	G.	$25.00

To stand committed until judgment is satisfied.

Appealed

Continuance Bond $

Appeal Bond $

Binding Over Bond $

By the Court:

A. E. DeCapua
Asst. Clerk

[fol. 105]
STATE OF CONNECTICUT,
NEW HAVEN COUNTY, *ss.*

THE CITY COURT OF NEW HAVEN,
NEW HAVEN, CONNECTICUT

State — CLERK'S OFFICE.
vs.
Peter Chaunt

I, Maxwell A. Alderman, Clerk of the City Court of New Haven, in the County of New Haven, and the State of Connecticut, and keeper of the files, records, and seal thereof, do hereby certify that the attached and foregoing is a true and complete copy of Warrant No. 172 dated March 12, 1930 in the name of the above as appears in our records.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at New Haven, this 24th day of June A. D. 1953.

/s/ MAXWELL A. ALDERMAN
Clerk.

[Seal
Official Seal
Municipal Court
New Haven, Conn.]

1-D (E.K.S.)
Page 2 of 2

[fol. 106]

IN UNITED STATES DISTRICT COURT

PLAINTIFF'S EXHIBIT 1-E FOR IDENTIFICATION

Case #15907-WM
Witness: Peter Chaunt
E. Kent Snyder, N.P.
May 5, 1955
Page 1 of 3

STATE OF CONNECTICUT,
New Haven County,
Clerk's Office. *ss.*

I, John V. Kilbride, Assistant Clerk of the Court of Common Pleas within and for the County of New Haven, in

the State of Connecticut, and keeper of the records and seal thereof, do hereby certify that the above and foregoing is a true copy of the Information and Disposition in this Court of the case of STATE vs PETER CHAUNT appealed from City Court of New Haven.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at New Haven, this 24th day of June A. D. 1953.

/s/ JOHN V. KILBRIDE
Assistant Clerk.

[Seal
Court of Common Pleas
County of New Haven
State of Connecticut]

[fol. 107]

STATE OF CONNECTICUT) Criminal Court of Common Pleas
vs.) New Haven County
PETER CHAUNT) April Term A. D. 1930

Edwin S. Pickett, Prosecuting Attorney of the Criminal Court of Common Pleas of New Haven County, now here in Court, information makes that at the Town of New Haven, within the County of New Haven, on the 11th day of March, 1930, Peter Chaunt of New Haven, with force and arms, did then and there disturb and break the peace by tumultuous and offensive carriage, noise and behavior, against the peace, of evil example, and contrary to the Statute in such case made and provided; whereupon the Attorney prays the advice of this Honorable Court in the premises.

EDWIN S. PICKETT
Prosecuting Attorney.

1-E (E.K.S.)
Page 2 of 3

[fol. 108]

No. 28

STATE

vs.

PETER CHAUNT

Court of Common Pleas,
New Haven County
April Term, 1930
Information for
Breach of the Peace

years old Esq.
appointed Guardian ad Litem 195

Plea, Not Guilty
Election of trial by Court
Date of Plea Apr. 7, 1930
Plea Changed to Guilty,

Verdict: Adjudged Guilty
Sentenced to pay a fine of $
and to be imprisoned in the
County Jail for a period of
Nolled April 7, 1930
E.S.P.

Date of Sentence 195

Warrant Issued
Recorded, Vol. 7, Page 238

1-E (E.K.S.)
Page 3 of 3

[fol. 108a]

GOVERNMENT'S EXHIBIT 15 IN EVIDENCE

Case No. 15907
US vs. Chaunt
Date 3/7/57
Clerk, U.S. District Court, Sou. Dist. of Calif.
/s/ P D HOOSER *Deputy Clerk*

[fol. 109]

IN UNITED STATES DISTRICT COURT

JUDICIAL DEPARTMENT

CITY OF NEW HAVEN

OFFICE OF THE PROSECUTOR

BERNARD P. KOPKIND
PROSECUTOR

HENRY J. DEVITA, JR.
ASSISTANT PROSECUTOR

GEORGE J. GRADY
ASSISTANT PROSECUTOR

PHILIP E. MANCINI, JR.
ASSISTANT PROSECUTOR

169 CHURCH STREET
NEW HAVEN 6, CONNECTICUT

[Stamp
Received
Mar 21 1955
U. S. Attorney
Los Angeles, Calif.]

15th March
1 9 5 5

Laughlin E. Waters
United States Attorney
Southern District of California
Los Angeles, California

Dear Sir:

In reply to your letter of March 9th, 1955 please find below the copy of the New Haven City Ordinance, #729, of 1929 and also the copy of the contents of page 609 of Charter and Ordinances for the City of New Haven, Connecticut in 1929:

City Ordinance—Section # 729:

No person, firm or corporation shall distribute, throw or drop, or cause to be distributed or dropped in any of the streets or public squares of said city, any posters, hand-

bills, advertising cards or other substance used for the purpose of advertising.

Rules and Regulations to Govern the Use of City Squares Under Control of the New Haven Commission of Public Parks:

It is Forbidden

1—To pick flowers or shrubs, or injure any growing thing. To break, move or disfigure benches, fences, drinking fountains or other structures. To mark any object with notice or advertisement.

2—To carry fire-arms, light bonfires, discharge fire-works or fire-crackers except by the consent of the Park Commission.

3—To play ball, football, or any games which needs implements, except upon designated playgrounds, or throw stones, or cycle on the paths.

4—To use threatening, indecent, abusive or insulting language or gesture on any of said squares. Nor shall any oration harangue, or other public demonstration be made outside of the Churches on the Green, unless by special authority of the said Commission.

5—To offer any articles for sale, except newspapers, unless by special license.

6—To disturb or injure birds, their nests, squirrels or other animals.

(Continue)

[fol. 110] *Continue:*

6—To leave bottles, broken glass, ashes, paper or other rubbish, except in Receptacles duly marked.

7—Any person violating the foregoing Rules and Regulations shall be fined five dollars for each violation.

Very truly yours

/s/ PHILIP E. MANCINI
Philip E. Mancini
Ass't Prosecutor

PEM/jfm

Case No. 15907 w M
US vs. Chaunt
Date 3/5/57
Clerk, U.S. District Court, Sou. Dist. of Calif.
/s/ P D Hooser *Deputy Clerk*

[fol. 111]

Form A-2214
DEPARTMENT OF LABOR
IMMIGRATION AND NATURALIZATION SERVICE

JUN 1940 ACT OF MAY 2, 1934

APPLICATION FOR A CERTIFICATE OF ARRIVAL
and
PRELIMINARY FORM FOR PETITION FOR NATURALIZATION

No. 2 [illegible] 5921

For use in searching records of arrival:

RECORDS EXAMINED

Card index .....
Index books .....
Manifests .....

RECORD FOUND

Place .....
Name LEITNER, LADISLAUS
Date 12-26-21
Manner CARMANIA

Use Form 160-Im. in issuing certificate of arrival on this application.

8-21

Arthur Jennings 3-5-40
(Signature of person making search)

TO THE APPLICANT: Do not write above this line. Read carefully and follow the instructions on last page hereof.

Take or mail this application and your money order to—

Date November 8, 1939

IMMIGRATION AND NATURALIZATION SERVICE,
Federal Building, Christopher Street,
641 Washington Street,
New York, N. Y.

284604

I, Peter Chaunt, [redacted] New York, residing at [redacted] Bank, desire to file petition for naturalization in the [redacted] Court at New York, New York, in accordance with the naturalization law. I submit herewith a statement of facts to be used in filing such petition, two photographs of me, each of which I have signed, and my declaration of intention (first paper), if one is required.

See instructions on page 4 hereof, paragraph entitled "Money Order." If you are not exempted therefrom you must secure a money order in payment for a certificate of arrival and fill in the blank below:

I hereby apply for a certificate of arrival showing my lawful entry into the United States for permanent residence, and inclose money order No. 108084 in the sum of $2.50 made payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D.C.," in payment for the certificate of my arrival.

I arrived in the United States through the port of New York, New York on December 26 1921
under the name of Leslie Bela Leitner
on the vessel S.S. Carmania

Additional facts to aid in locating a record of my arrival:

1. I have ..... used another name in this country than that given above. (If so) It was Leslie Bela Leitner
   I used that name because [illegible] for all purposes since [illegible]
2. The full name of the person shown on my steamship ticket was Leslie Bela Leitner
3. I was born in Budapest, Hungary on August 15 1899
4. My father's full name is was Edmond Leitner
5. My mother's maiden name was Serene Rose
6. (If a married woman) My maiden name was .....
7. My last foreign residence was Budapest, Hungary
8. The place where I took the ship or train which landed me in the United States was Southampton, England
9. The ticket on which I came to this country was bought at Rotterdam, Holland
10. (If arrival by ship) Name of steamship line was Cunard Line
    Third ..... I arrived as a passenger, steerage passenger, member of crew, or

PETER CHAUNT
Leslie Bela Leitner

Manifests

Name LEITNER, LADISLAUS

Date 12-26-21

Manner CARMANIA

Use Form 160-Im. in issuing certificate of arrival on this application.

8-21

Signature of person making search 3-5-40

TO THE APPLICANT: Do not write above this line. Read carefully and follow the instructions on last page hereof.

Take or mail this application and your money order to—

IMMIGRATION AND NATURALIZATION SERVICE,
Federal Building, Christopher Street,
641 Washington Street,
New York, N. Y.

Date November 8, 1939

284604

I, Peter Chaunt, [redacted] New York, residing at [redacted], desire to file petition for naturalization in the [redacted] Court at [redacted], in accordance with the naturalization law. I submit herewith a statement of facts to be used in filing such petition, two photographs of me, each of which I have signed, and my declaration of intention (first paper), if one is required.

See instructions on page 4 hereof, paragraph entitled "Money Order." If you are not exempted therefrom you must secure a money order in payment for a certificate of arrival and fill in the blank below:

I hereby apply for a certificate of arrival showing my lawful entry into the United States for permanent residence, and inclose money order No. 108084 in the sum of $2.50 made payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D.C.," in payment for the certificate of my arrival.

I arrived in the United States through the port of New York under the name of Leslie Bela Leitner on the vessel S.S. Carmania on December 26 1921 (Month) (Day) (Year)

Additional facts to aid in locating a record of my arrival:

1. I have ..... used another name in this country than that given above. (If so) It was PETER CHAUNT
   I used that name because [redacted]
2. The full name of the person shown on my steamship ticket was Leslie Bela Leitner
3. I was born in Budapest Hungary on August 15 1899
4. My father's full name is/was Edmond Leitner
5. My mother's maiden name was Serene Rose
6. (If a married woman) My maiden name was
7. My last foreign residence was Budapest Hungary
8. The place where I took the ship or train which landed me in the United States was Southampton England
9. The ticket on which I came to this country was bought at Rotterdam
10. (If arrival by ship) Name of steamship line was Cunard Line
    first, second, or third cabin Third I arrived as a passenger, stowaway, member of crew, or otherwise Passenger
11. I traveled on (an immigration visa, a passport, or permit to reenter) Passport
12. My original Immigrant Identification Card No. NONE ISSUED AT THAT TIME is hereto attached [redacted], it is because
13. I paid $ 8 head tax at Rotterdam Holland
14. I was ..... examined by United States immigration officers at New York 1921
15. (If not examined, state why, and give the circumstances of your entry)
16. The person in the United States to whom I was coming was Serene Gati, (Mother)
17. The place in the United States to which I was going was New York, N. Y.
18. The names of some of the passengers or other persons I traveled with and their relationship to me, if any, are Travelled alone

I was previously in the United States from Never here previously

RECEIVED NOV 10 1939 NATURALIZATION [redacted] New York

111

X 14—2621

I have set forth below my answer to the following questions asked of me:

19. Have you been absent from the United States since the date of your arrival as stated on page 1 of this form? No

If so, state month and year you left ....; month and year you returned ....

To what country did you go? .... For what reason? ....

Is this the only time you have been out of the United States? ....

If not, give full particulars as to other absences ....

20. In what places in the United States have you resided?

New York	New York	From	December (Month)	1921 (Year)	to December (Month)	1925 (Year)
Cleveland	Ohio	From	December (Month)	1925 (Year)	to February (Month)	1929 (Year)
New Haven	Conn.	From	February (Month)	1929 (Year)	to November (Month)	1930 (Year)
Buffalo	New York	From	November (Month)	1930 (Year)	to August (Month)	1932 (Year)

J-2 - See attached sheet bearing No. 2-705927

21. What were the names and addresses of your employers during the five years immediately prior to the date of this statement?

Jewish Sanatorium (Employer's name) Dec. 1944-Sept 1947 (Date) Norristown, Pa. (Number and street) (City) (State)

International Workers Order (Employer's name) Sept 1947 to date (Date) 80 Fifth Ave., (Number and street) New York, N.Y. (City) (State)

22. Do you understand the principles of government of the United States? Yes

23. Do you fully believe in the form of government of the United States? Yes

24. Are you ready to answer questions as to the principles and form of government of the United States? Yes

What have you done to prepare yourself for an examination on the government of the United States?

Went to school, read and studied

25. Have you read the following oath of allegiance? Yes

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ...., of whom (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So HELP ME GOD.

Are you willing to take this oath in becoming a citizen? Yes

26. If necessary, are you willing to take up arms in defense of this country? Yes

Did you claim exemption from the draft during the World War because you were an alien? No

Did you surrender your declaration (first paper) at that time? No

27. If not now married, have you ever been married? Was married Are you divorced? No 6-27-50

Are you a believer in the practice of polygamy? No

28. Are you a believer in anarchy? No Do you belong to or are you associated with any organization which teaches or advocates anarchy or the overthrow of existing government in this country? No

29. Have you ever been an inmate of an insane asylum? No 6-27-50

30. Have you ever been arrested or charged with violation of any law of the United States or State or any city ordinance or traffic regulation? No If so, give full particulars ....

(City or Town)	(State)		(Month) (Year)		(Month) (Year)
Cleveland	Ohio	From	December 1925	to	February 1929
New Haven	Conn.		February 1929		November 1930
Buffalo	New York	From	November 1930	to	August 1932

I [illegible] Atlantic Sheet Bearing No. 2-705927

24. What were the names and addresses of your employers during the five years immediately prior to the date of this statement?

Jewish Sanatorium Dec. 1st 1932 to Sept 1947 Moberton, Mo.
(Employer's name) (Date) (Number and street) (City) (State)

International Workers Order Sept 1947 to date 80 Fifth Ave., New York, N.Y.
(Employer's name) (Date) (Number and street) (City) (State)

22. Do you understand the principles of government of the United States? Yes
23. Do you fully believe in the form of government of the United States? Yes
24. Are you ready to answer questions as to the principles and form of government of the United States? Yes
What have you done to prepare yourself for an examination on the government of the United States?
Went to school, read and studied

25. Have you read the following oath of allegiance? Yes

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to [illegible], of whom (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion; So HELP ME GOD.

Are you willing to take this oath in becoming a citizen? Yes

26. If necessary, are you willing to take up arms in defense of this country? Yes
Did you claim exemption from the draft during the World War because you were an alien? No
Did you surrender your declaration (first paper) at that time? No 6-27-48
27. If not now married, have you ever been married? Not Married Are you divorced? No
Are you a believer in the practice of polygamy? No
28. Are you a believer in anarchy? No Do you belong to or are you associated with any organization which teaches or advocates anarchy or the overthrow of existing government in this country? No
29. Have you ever been an inmate of an insane asylum? No 6-27-48
30. Have you ever been arrested or charged with violation of any law of the United States or State or any city ordinance or traffic regulation? No If so, give full particulars

31. (a) In what place in the United States did you meet for the first time your first witness named on the opposite page? [illegible]
How often have you seen this witness each month since the date you first met him (her)? 2 x M
At what places? Our respective homes
(b) In what place in the United States did you meet for the first time your second witness named on the opposite page? [illegible]
How often have you seen this witness each month since the date you first met him (her)? 2 x M
At what places? Our respective homes

I certify that all the statements made by me in this application and form are true to the best of my knowledge and belief.

Peter Chaunt - Leslie Bela Lecturer
(Signature of applicant)

No. 995893

[illegible] Ridgewood Park, New Rochelle, N.Y.
(Address at which applicant receives mail)

X 16—2021

112

[fol. 112a]

IN UNITED STATES DISTRICT COURT

GOVERNMENT'S EXHIBITS 2F AND 2G IN EVIDENCE

Case No. 15907-WM
US vs. Chaunt
Date 3/5/57
Clerk, U.S. District Court, Sou. Dist. of Calif.
/s/ P D HOOSER *Deputy Clerk*

(See Opposite)

TRIPLICATE
(To accompany monthly report on Form 2208)

Hungarian

UNITED STATES OF AMERICA

No. 284604

PETITION FOR NATURALIZATION

U.S. District Eastern District Brooklyn N Y

To the Honorable the ..... *Court of* ..... *at* .....

The petition of PETER CHAUNT, hereby filed, respectfully shows:

(1) My place of residence is 3970-48th St., L.I. City, N.Y. (2) My occupation is Office Clerk

(3) I was born in Budapest, Hungary on August 15, 1899 My race is Hungar

[illegible] Court of [illegible]

(5) I am ..... married. The name of my wife is Elvi

we were married July 31, 1926 at Charleston, Mo. she was born at Springfield, Mass.

on Aug. 27, 1910; entered the United States at ..... on ..... for permanent residence therein,

and now resides at 3970-48th St., L.I.City, N.Y.; was not naturalized on .....

at ..... certificate No ..... I have 1 children, and the name, date,

and place of birth, and place of residence of each of said children are as follows: Mary, October 25, 1932, Chicago, Ill.

Resides at 3970-48th St., L.I.City, N.Y.

(6) My last foreign residence was Budapest, Hungary I emigrated to the United States of

America from Rotterdam, Holland My lawful entry for permanent residence in the United States

was at New York, under the name of Ladislaus Leitner

on December 26, 1921, on the vessel SS Carmania

as shown by the certificate of my arrival attached hereto.

(7) I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom (which) at this time I am a subject (or citizen), and it is my intention to reside permanently in the United States. (8) I am able to speak the English language. (9) I have resided continuously in the United States of America for the term

of 5 years at least immediately preceding the date of this petition, to wit, since December 26, 1921

and in the County of Queens, this State, continuously next preceding the date of this petition, since

February 1, 1940 Petition filed under Act of June 29, 1932 As Amended

(10) I have not heretofore made petition for naturalization to ..... on .....

at ..... and such petition was denied by that Court for the following reasons and causes, to wit:

and the cause of such denial has since been cured or removed.

Attached hereto and made a part of this, my petition for naturalization, are my [illegible] certificate from the Department of Labor of my said arrival and the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, and that my name be changed to .....

I, PETER CHAUNT, do swear (affirm) that I know the contents of this petition for naturalization subscribed by me, that the same are true to the best of my own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true, and that this petition was signed by me with my full, true name. SO HELP ME GOD.

(Complete and true signature of petitioner)

AFFIDAVITS OF WITNESSES

Serena Cuti, occupation Housewife

653003

we were married July 21, 1920 in [redacted], for permanent residence therein,

Aug. 27, 1920, entered the United States at [redacted] and now resides at 3970-48th St., L.I.City, N.Y. was not naturalized at [redacted] certificate No [redacted] That 1 children, and the name, date,

and place of birth, and place of residence of each of said children are as follows: Mary, October 28, 1922, Chicago, Ill.

Resides at 3970-48th St., [redacted] L.I.City, N.Y.

(6) My last foreign residence was Budapest, Hungary I emigrated to the United States of America from Rotterdam, Holland My lawful entry for permanent residence in the United States was at New York, under the name of Ladislaus Leitner on December 26, 1921, on the vessel SS Carmania as shown by the certificate of my arrival attached hereto. (7) I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom (which) at this time I am a subject (or citizen), and it is my intention to reside permanently in the United States. (8) I am able to speak the English language. (9) I have resided continuously in the United States of America for the term of 5 years at least immediately preceding the date of this petition, to wit, since December 26, 1921 and in the County of Queens this State, continuously next preceding the date of this petition, since February 1, 1940

Petition filed under Act of June 29, 1906 As Amended

(10) I have not heretofore made petition for naturalization, No. [redacted] on [redacted] and such petition was denied by that Court for the following reasons and causes, to wit: at [redacted]

and the cause of such denial has since been cured or removed.

Attached hereto and made a part of this, my petition for naturalization, are my [redacted] certificate from the Department of Labor of my said arrival, and the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, and that my name be changed to [redacted]

I, PETER CHAUET do swear (affirm) that I know the contents of this petition for naturalization subscribed by me, that the same are true to the best of my own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true, and that this petition was signed by me with my full, true name. SO HELP ME GOD.

(Complete and true signature of petitioner)

AFFIDAVITS OF WITNESSES

Serene Gati, occupation Housewife residing at 26 Edgewood Park, New Rochelle, N.Y. and Irving Simon, occupation Factory Manager residing at 1141 President St., Brooklyn, N.Y. each being severally, duly, and respectively sworn, deposes and says: I am a citizen of the United States of America. I have personally known and have been acquainted with the petitioner above mentioned, PETER CHAUET in the United States with December 1, 1926 and that to my personal knowledge the petitioner has resided in the United States continuously preceding since the date of filing this petition, of which this affidavit is a part, to wit, since the date last mentioned and at Long Island City in the County of Queens this State, since February 1, 1940 and that I have personal knowledge that the petitioner is and during all such period has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and in my opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

I do swear (affirm) that the statements of fact I have made in this affidavit of this petition for naturalization subscribed by me are true to the best of my knowledge and belief.

(Signature of witness) (Signature of witness)

Subscribed and sworn to before the [redacted] by the above-named petitioner and witnesses in the respective forms of oath shown above in the office of Clerk of said Court at Brooklyn, N.Y. this 27 day of June Anno Domini 1940 I hereby certify that Certificate of Arrival No. 2-706921 from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, [redacted] has been by me filed with the papers in this proceeding and made a part of this petition.

Clerk [seal]

By Deputy

113

GPO

Form 2204—L-A
U. S. DEPARTMENT OF LABOR
IMMIGRATION AND NATURALIZATION SERVICE

No. 653003

Act of May 24, 1934

2604

X Peter Chaunt

ADJOURNMENTS				FINAL HEARING
FROM	TO	REASONS	EXAMINER	ADMITTED
				Date NOV 28 1940 19
				Grounds
				Examiner

RESULT OF EXAMINATION

Age 40 F-RE SE AC NCR anywhere No Abs. 2604

M-R/W and one child. Both Wits. 2XM

C/A in name Ladislans Leitner Derrenger 6-27-40

Act of 5-24-34: Applicant states 1st marriage for self and wife-not divorced or separated; marriage record and copy of wife's U.S. birth record seen. cd

Applicant states established a common-law marriage with present wife in [illegible] 1931 and has lived with her continuously since that

ADJOURNMENTS

FROM	TO	REASONS	EXAMINER

FINAL HEARING

ADMITTED

Date NOV 28 1940 19

Grounds

Examiner

RESULT OF EXAMINATION

Age 40 F-RE SE AC NCR anywhere No Abs. 2231604

M-R/W and one child. Both Wits. 2XM

C/A in name Ladislaus Leitner Derrenger 6-27-40

Act of 5-24-34: Applicant states 1st marriage for self and wife-not divorced or separated; marriage record and copy of wife's U.S. birth record seen. cd

Applicant states established a common-law marriage with present wife in Buffalo, NY in Aug. 1931 and has lived with her continuously since that time issue being one daughter born 10-25-32 at Chicago, Ill., that he prevailed on his wife to have lawful marriage performed and that such marriage took place at Charleston, Missouri 7-31-35. cd

Both witnesses claim to have seen applicant when he moved back to New York in June 20, 1937. cd

Organization- Fraternal Benefit Society of International Workers Order; where applicant is employed-no others. cd

Applicant states he has used name of Peter Chaunt for past fifteen years. cd

Absences from U. S.

Arrests, etc.

114

[fol. 114a]

IN UNITED STATES DISTRICT COURT

GOVERNMENT'S EXHIBIT 2J IN EVIDENCE
Case No. 15907-WM
US vs. Chaunt
Clerk, U.S. District Court, Sou. Dist. of Calif.
/s/ P D HOOSER *Deputy Clerk*



(See Opposite) ☞

[fol. 115]

U. S. Department of Labor

Immigration and Naturalization Service

No. 2-705921

Certificate of Arrival 284604

I hereby certify that the immigration records show that the alien named below arrived at the port, on the date, and in the manner shown, and was lawfully admitted to the United States of America for permanent residence.

Name: Leitner, Ladislans

Port of entry: New York, N. Y.

Date: December 26, 1921

Manner of arrival: SS Carmania

I further certify that this certificate of arrival is issued under authority of, and in conformity with, the provisions of the Act of June 29, 1906, as amended, solely for the use of the alien herein named and only for naturalization purposes.

In Witness Whereof, this Certificate of Arrival is issued

April 18, 1940
(Date)

/s/ Byron Gebl
District Director of Immigration and Naturalization.

By /s/ Alan S. Chuman

[fol. 115a]

A True Copy

Attest

Dated May 20, 1955

/s/ PERCY G B GILKES
Clerk

By /s/ JOSEPH EAGIN
Deputy Clerk

[Seal
United States District Court
Eastern District of New York]

[fol. 116]

[Handwritten
W. F. Brown—Red—126, 5-7.]

ORIGINAL
(To be retained by clerk)

No. 284604

Nationality Hungarian

UNITED STATES OF AMERICA

PETITION FOR NATURALIZATION

AC

To the Honorable the U.S. District *Court of* Eastern District *at* Brooklyn, N.Y. the petition of PETER CHAUNT, hereby filed, respectfully shows:

(1) My place of residence is 3970—48th St., L.I. City, N.Y.

(2) My occupation is Office Clerk.

(3) I was born in Budapest, Hungary on August 15, 1899. My race is Magyar.

(4) I am ..... married. The name of my wife is Elvi.

(5) We were married on July 31, 1935 at Charleston, Mo.; she was born at Springfield, Mass. on Aug. 27, 1910; entered the United States at ..... on ..... for permanent residence therein, and now resides at 3970—48th St., L.I. City, N.Y.; was not naturalized on .... certificate No. ..... I have 1 children, and the name, date, and place of birth, and place of residence of each of said children are as follows: Mary, October 25, 1932, Chicago, ILL. She resides at 3970—48th St., L.I. City, N.Y.

(6) My last foreign residence was Budapest, Hungary. I emigrated to the United States of America from Rotterdam, Holland. My lawful entry for permanent residence in the United States was at New York, under the name of Ladislans Leitner on December 26, 1921, on the vessel

SS Carmania as shown by the certificate of my arrival attached hereto.

(7) I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. It is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom (which) at this time I am a subject (or citizen), and it is my intention to reside permanently in the United States.

(8) I am able to speak the English language.

(9) I have resided continuously in the United States of America for the term of 5 years at least immediately preceding the date of this petition, to wit, since December 26, 1921 and in the County of Queens this State, continuously next preceding the date of this petition, since February 1, 1940. Petition filed under Sec. 2 Act of Sept. 22, 1922.

(10) I have not heretofore made petition for naturalization: No. ....., on As Ammended at ..... and such petition was denied by that Court for the following reasons and causes, to wit: .....

.....

and the cause of such denial has since been cured or removed.

Attached hereto and made a part of this, my petition for naturalization, are my certificate from the Department of Labor of my said arrival, and the affidavits of the two verifying witnesses required by law.

Wherefore, I, your petitioner, pray that I may be admitted a citizen of the United States of America, and that my name be changed to .....

I, PETER CHAUNT, do swear (affirm) that I know the contents of this petition for naturalization subscribed by me, that the same are true to the best of my own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true, and that this petition was signed by me with my full, true name: SO HELP ME GOD.

/s/ PETER CHAUNT
(Complete and true signature of petitioner)

AFFIDAVITS OF WITNESSES

Serene Gati, occupation Housewife residing at 26 Edgewood Park, New Rochelle, N.Y., and Irving Eisner, occupation Factory Manager residing at 1141 President St., Brooklyn, N.Y. each being severally, duly, and respectively sworn, deposes and says: I am a citizen of the United States of America; I have personally known and have been acquainted in the United States with PETER CHAUNT, the petitioner above mentioned, since December 1, 1925 and that to my personal knowledge the petitioner has resided in the United States continuously preceding the date of filing this petition, of which this affidavit is a part, to wit, since the date last mentioned and at Long Island City in the County of Queens this State, in which the above-entitled petition is made, continuously since February 1, 1940, and that I have personal knowledge that the petitioner is and during all such periods has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and in my opinion the petitioner is in every way qualified to be admitted a citizen of the United States.

I do swear (affirm) that the statements of fact I have made in this affidavit of this petition for naturalization subscribed by me are true to the best of my knowledge and belief.

/s/ SERENE GATI
(Signature of witness)

/s/ IRVING EISNER
(Signature of witness)

Subscribed and sworn to before me by the above-named petitioner and witnesses in the respective forms of oath shown above in the office of Clerk of said Court at Brooklyn, N.Y. this 27 day of June, Anno Domini 1940. I hereby certify that Certificate of Arrival No. 2-705921 from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named has been by me filed with, attached to, and made a part of this petition on this date.

/s/ THOMAS MACPHERSON
Deputy

[SEAL]

GPO 16—9242

[fol. 116a]

A True Copy

Attest

Dated May 20, 1955

/s/ PERCY G. B. GILKES
Clerk

By /s/ JOSEPH EAGIN
Deputy Clerk

[Seal
United States District Court
Eastern District of New York]

[fol. 117]

OATH OF ALLEGIANCE

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom (which) I have heretofore been a subject (or citizen); that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion so HELP ME GOD. In acknowledgment whereof I have hereunto affixed my signature.

/s/ PETER CHAUNT
(Signature of petitioner)

Sworn to in open court, this 28 day of November, A. D. 1940.

By /s/ (Illegible), *Deputy Clerk.*

NOTE.—In renunciation of title of nobility, add the following to the oath of allegiance before it is signed: "I further renounce the title of (give title or titles) to order of nobility, which I have heretofore held."

Petition granted: Line No. ..... of List No. ..... and Certificate No. 4785200 issued.

Petition denied: List No. .....

Petition continued from ..... to .....
Reason .....

[*Stamp*
Admitted
Judge Moscowitz
List No.]

6165

[fol. 117a]

A True Copy

Attest

Dated May 20, 1955

/s/ PERCY G B GILKES
Clerk

By /s/ JOSEPH EAGIN
Deputy Clerk

[Seal
United States District Court
Eastern District of New York]

LODGED
Apr 12 1957
Clerk, U.S. District Court
Southern District
of California
By M. E. (Illegible)
Deputy Clerk

FILED
Apr 22 1957
Clerk, U.S. District Court
Southern District
of California
By C. A. SIMMONS
Deputy Clerk

DOCKETED AND ENTE
Apr 24 1957
Clerk, U.S. District Cour
Southern District
of California
By C. A. SIMMONS
Deputy Clerk

IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

Civil No. 15907-WM

UNITED STATES OF AMERICA, Plaintiff,

—v.—

PETER CHAUNT, Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT

The above entitled matter came on regularly for trial on the 5th day of March, 1957, and continued thereafter on the 6th, 7th and 8th days of March, and was continued thereafter to April 1, 1957, and trial was completed on that date, in the above entitled court, before the Honorable William C. Mathes, Judge presiding, without a jury, the plaintiff, United States of America, being represented by Laughlin E. Waters, United States Attorney, Richard A. Lavine, Arline Martin and James R. Dooley, Assistant United States Attorneys, the defendant being represented by his attorneys, Margolis, McTernan and Branton and John W. Porter, and evidence both oral and documentary having been presented, and the matter having been tried on its merits, and the Court having heard the arguments of counsel, and being fully advised in the premises, and having on the 1st day of April, 1957, announced its findings [fol. 119] and opinions in open court, now makes its Findings of Fact, Conclusions of Law, and Judgment:

FINDINGS OF FACT

(First Cause of Action)

I

The plaintiff is a corporate sovereign, and this action is brought pursuant to the direction of the Attorney General

of the United States and under the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 (Public Law No. 414; 82nd Congress) [8 U.S.C.A. §1451 (a)].

II

The last known residence of the defendant is 4812 Glenalbyn Drive, Los Angeles, California, within the Southern District of California, Central Division, and within the jurisdiction of this Court.

III

On or about June 27, 1940, the defendant, Peter Chaunt, also known as Ladislans Leitner, and also known as Leslie Bela Leitner, who was then an alien and a native of Hungary, filed a Petition for Naturalization in the United States District Court for the Eastern District of New York.

IV

On or about November 28, 1940, the aforesaid petition was granted by said court, and on said date Certificate of Naturalization No. 4785200 was issued to the defendant.

V

There is clear, unequivocal and convincing evidence establishing beyond all reasonable doubt that the order admitting defendant to citizenship, and said certificate of naturalization, issued as aforesaid, were procured by the defendant from said court by knowing, intentional, deliber- [fol. 120] ate, designed, purposeful and willful concealment of material facts, in that defendant, in the proceedings which led to his naturalization, knowingly, intentionally, deliberately, designedly, purposely and willfully concealed the following material facts: (1) that prior to and at the time of filing said petition for naturalization and at the time of his naturalization, and subsequent thereto at least until the year 1952, defendant was an active member, officer and full-time paid functionary of the Communist Party of the United States and had been since on or about the year 1929; (2) that prior to said naturalization the de-

fendant had been arrested and charged with violation of the city ordinances of the City of New Hav n, Connecticut as follows: (a) On or about July 30, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, of the said city and town of New Haven, did then and there distribute in a public street, to wit: Ashmun Street, certain hand-bills against the peace of the State, of evil example, and contrary to the ordinance in such case made and provided. Ord. 729." Disposition, "Plea—not guilty—Discharged"; (b) On or about December 21, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, temporarily of said city and town, did make an oration, harrangue, or other public demonstration in New Haven Green, outside of the churches. Pages 609 Charter and Ordinances." Disposition, "Demurrer filed 12-27-29. Demurrer overruled—Whitaker 12-27-28, plea—not guilty, Found J.S."; (c) that on the 11th day of March, 1930, defendant was arrested and charged at said city and town of New Haven that he "did commit, violate, Peter Chaunt, general breach of peace"; "plea N.G., finding G, ordered to be imprisoned in New Haven County Jail and/or to pay fine of $25.00 to stand committed until judgment satisfied. Appealed"; (d) that during the five years immediately pre- [fol. 121] ceding the date of defendant's petition for naturalization defendant was not and did not behave as, a person of good moral character by reason among other facts of the facts as herein alleged and the concealment thereof, as herein alleged, in violation of the fourth subdivision of Section 4 of said Naturalization Act of 1906, as amended.

VI

The facts so concealed, as alleged in paragraph V hereof, are material for the reason that they violate the requirements for naturalization as provided by the Nationality Act of 1906, as amended; and for the further reason that as a result of said concealment, the Immigration and Naturalization Service and the court was foreclosed from making a further investigation as to whether or not defendant subscribed to the principles of the Communist Party or whether

defendant was, or had behaved as, a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; or whether or not defendant could in open court take oath of allegiance to the United States without any mental reservation or purpose of evasion, as required by Section 4, subdivision 3, of the Nationality Act of 1906, as amended, and by Rule 8(c) of the Rules and Regulations of the Immigration and Naturalization Service; and, as a result of said concealment, said Immigration and Naturalization Service did not make a full and proper investigation as to whether defendant had all of the qualifications for citizenship, including defendant's good moral character during the statutory period preceding naturalization, as required by the Nationality Act of 1906, as amended; and as a result thereof said Immigration and Naturalization Service made a recommendation to the court that said Petition for Naturalization be granted, and said court granted said Petition for Naturalization.

[fol. 122]

VII

Before the filing of this Amended Complaint, an affidavit was executed by Maurice A. Roberts, an attorney of the Immigration and Naturalization Service, United States Department of Justice, showing good and sufficient cause for the institution of this proceeding under, and as required by, the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 [8 U.S.C.A., 1451(a)], to set aside and cancel the naturalization of said defendant, Peter Chaunt, as having been procured by concealment of material facts and by willful misrepresentation; a copy of said affidavit was attached to the original Complaint herein and to the Second Amended Complaint herein, on which the action was tried, marked EXHIBIT "A", and the original of said affidavit was introduced in evidence as Plaintiff's Exhibit 36.

Findings of Fact

(Second Cause of Action)

I

The plaintiff is a corporate sovereign, and this action is brought pursuant to the direction of the Attorney General of the United States and under the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 (Public Law No. 414; 82nd Congress) [8 U.S.C. §1451 (a)].

II

The last known residence of the defendant is 4812 Glenalbyn Drive, Los Angeles, California, within the Southern District of California, Central Division, and within the jurisdiction of this Court.

III

On or about June 27, 1940, the defendant, Peter Chaunt, also known as Ladislans Leitner, and also known as Leslie [fol. 123] Bela Leitner, who was then an alien and a native of Hungary, filed a Petition for Naturalization in the United States District Court for the Eastern District of New York.

IV

On or about November 28, 1940, the aforesaid petition was granted by said court, and on said date Certificate of Naturalization No. 4785200 was issued to the defendant.

V

The evidence is clear, unequivocal and convincing, and establishes beyond all reasonable doubt, that said order admitting defendant to citizenship and said Certificate of Naturalization were procured by defendant by affirmative, fraudulent and willful misrepresentation, in that the defendant in the proceedings which lead to his naturalization (1) intentionally and falsely represented that the only organization to which he belonged was the "Fraternal Benefit Society of International Workers Order", and no others; and in answer to an oral question propounded by Reuben

E. Wilson, Naturalization Examiner, as follows: "Do you believe in Communism, Fascism or Nazism?" defendant intentionally and falsely answered "No"; whereas, in truth and in fact, the defendant, from on or about the year 1926, had been an active member and officer of the Communist Party of the United States; (2) intentionally and falsely represented that during the five years immediately preceding the date of his Petition for Naturalization defendant was, and behaved as, a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; and intentionally and falsely represented that it was the defendant's intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, estate or sovereignty, and that it was his intention to bear true faith and allegiance to the United States of America and to support and defend the Constitution and laws of the [fol. 124] United States of America against all enemies, foreign and domestic; whereas, in truth and in fact, by reason of defendant's membership in, and his knowledge of the nature and principles of the Communist Party, the defendant was not, and had not behaved as, a person attached to the principles of the Constitution of the United States or well disposed to the good order and happiness of the United States, and it was not defendant's intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and it was not his intention to bear true faith and allegiance to the United States of America or to support or defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; (3) intentionally and falsely represented that prior to said naturalization he had never been arrested or charged with violation of any law of the United States or state or any city ordinance or traffic regulation, whereas in truth and in fact defendant had been arrested and charged with violation of the city ordinances of the City of New Haven, Connecticut, as follows: (a) On or about July 30, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, of the said city and town of New Haven, did then and there distribute in a public street, to wit: Ashmun Street, certain hand-bills against the peace of the State, of evil ex-

ample, and contrary to the ordinance in such case made and provided. Ord. 729." Disposition, "Plea—not guilty—Discharged"; (b) On or about December 21, 1929, defendant was arrested on the charge that "at said city and town of New Haven, Peter Chaunt, temporarily of said city and town did make an oration, harrangue, or other public demonstration in New Haven Green, outside of the churches. Pages 609 Charter and Ordinances." Disposition, "Demurrer filed 2-27-29. Demurrer overruled—Whitaker 12-27-28, plea—not guilty, Found J.S."; (c) That on the 11th day of [fol. 125] March, 1930, defendant was arrested and charged at said city and town of New Haven that he "did commit, violate, Peter Chaunt, general breach of the peace"; "plea N.G., finding G, ordered to be imprisoned in New Haven County Jail and/or to pay fine of $25.00 to stand committed until judgment satisfied. Appealed"; (d) Intentionally and falsely represented that during the five years immediately preceding date of defendant's Petition for Naturalization he was and had behaved as a person of good moral character, whereas, in truth and in fact, among other things, by reason of the intentional and false misrepresentations as herein alleged, defendant was not and had not behaved as a person of good moral character during said period.

VI

The evidence is clear, unequivocal and convincing, and establishes beyond all reasonable doubt that the Communist Party of the United States is an organization which at all times since 1926, as the said Peter Chaunt well knew, advised, advocated and taught the necessity and the duty to overthrow by force and violence the government of the United States; wrote, circulated, distributed, printed, published and displayed, or caused to be written, circulated, distributed, printed, published, or displayed or had in its possession for the purpose of circulation, distribution, publication, issuing, or display, written and printed matter which advised, advocated and taught the performance of the acts described hereinabove in this paragraph; and promoted, influenced, and advocated the political activities, public relations, and public policy of the Union of Soviet [fol. 126] Socialist Republics.

VII

The evidence is clear, unequivocal and convincing, and establishes beyond all reasonable doubt that at all of the times above mentioned, as the said Peter Chaunt well knew, the Communist Party of the United States was a section of an international organization called "The Communist International", and that decisions made by such organization were binding upon other Communist Parties, including the Communist Party of the United States and the individual members thereof, whether such decisions were contrary to the laws of the United States or not.

VIII

The evidence is clear, unequivocal and convincing, and establishes beyond all reasonable doubt, that at all times above mentioned the defendant was attached to the principles of Marxism, Leninism, Stalinism and the Communist International, and the Communist Party of the United States, including the objective of overthrowing the government of the United States of America by force and violence at the earliest time circumstances permit; and during all of the times above mentioned defendant felt and owed his entire loyalty and allegiance to the Communist Party, the Communist International and the Union of Soviet Socialist Republics; and at the time the defendant took the oath of renunciation and allegiance, as required by law in order to become a naturalized citizen of the United States of America, the defendant had no intention of renouncing his allegiance to Soviet Russia or to his native Hungary, and had no intention of giving any of his allegiance to the United States of America.

IX

As the result of the affirmative, fraudulent, intentional and willful misrepresentations by the defendant, as above [fol. 127] found, the Immigration and Naturalization Service and the court were foreclosed from making any further investigation or any investigation which would have revealed the defendant's record of arrests, his Communist Party membership, and his poor moral character; and as a

result of said misrepresentations the Immigration and Naturalization Service and the court did not make a further investigation as to whether defendant had all of the qualifications for citizenship required by the Nationality Act of 1906, as amended; and as a result thereof said Immigration and Naturalization Service made a recommendation to the court that said Petition for Naturalization be granted, and said court granted said Petition for Naturalization.

X

Before the filing of this Amended Complaint, an affidavit was executed by Maurice A. Roberts, an attorney of the Immigration and Naturalization Service, United States Department of Justice, showing good and sufficient cause for the institution of this proceeding under, and as required by, the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 [8 U.S.C.A. 1451(a)] to set aside and cancel the naturalization of said defendant, Peter Chaunt, as having been procured by concealment of material facts and by willful misrepresentation; a copy of said affidavit was attached to the original Complaint herein and to the Second Amended Complaint herein, on which the action was tried, marked EXHIBIT "A", and the original of said affidavit was introduced in evidence as Plaintiff's Exhibit 36.

CONCLUSIONS OF LAW

I

This Court has jurisdiction of plaintiff's First and Second Causes of Action as alleged in plaintiff's Second Amended [fol. 128] Complaint under the provisions of Section 340(a) of the Immigration and Nationality Act of 1952 [8 U.S.C. 1451(a)].

II

The naturalization of the defendant was procured by concealment of material facts within the meaning of Section 340(a) of the Immigration and Nationality Act of 1952.

III

The naturalization of the defendant was procured by willful misrepresentation within the meaning of Section 340(a) of the Immigration and Nationality Act of 1952.

IV

The order of the United States District Court for the Eastern District of New York at Brooklyn New York, dated November 28, 1940, admitting the defendant to citizenship, and the Certificate of Naturalization No. 4785200 issued by said court on the 28th day of November, 1940, were procured by concealment of material facts and by willful misrepresentations and the naturalization of the defendant was induced by the defendant's fraud and said naturalization is therefore rendered nugatory by the defendant's fraud.

V

The allegations contained in both the First and Second Causes of Action of plaintiff's Second Amended Complaint have been sustained, as hereinabove found, by unequivocal, clear and convincing evidence beyond all reasonable doubt, and the prayer of said Second Amended Complaint should be granted and judgment in favor of the plaintiff and against the defendant as prayed for in said Second Amended Complaint should be entered accordingly, adjudging that the order of the court admitting defendant to citizenship be revoked and set aside; that all official documents evidencing citizenship be cancelled; that upon this judgment becoming final the defendant shall be re-
[fol. 129] quired to surrender and deliver up his Certificate of Naturalization No. 478522 to the Clerk of the Court for cancellation; and that defendant be forever restrained and enjoined from setting up or claiming any rights, privileges or advantages whatsoever under said order or under any official document evidencing citizenship issued by virtue of the aforesaid order.

JUDGMENT

Pursuant to the Findings of Fact and Conclusions of Law herein,

It Is Hereby Ordered, Adjudged and Decreed:

1. That the order of the United States District Court for the Eastern District of New York at Brooklyn, New York, made on November 28, 1950, admitting the defendant, Peter Chaunt, to citizenship of United States of America, be and the same is hereby revoked, set aside and cancelled.

2. The Certificate of Naturalization No. 4785200 issued to the defendant, Peter Chaunt, by the Clerk of the United States District Court for the Eastern District of New York at Brooklyn, New York, be and the same is hereby revoked, set aside and cancelled.

3. That a certified copy of this Judgment shall be transmitted by the Clerk of this Court to the United States District Court for the Eastern District of New York at Brooklyn, New York, which originally issued the said Certificate of Naturalization, and the Clerk of the said United States District Court for the Eastern District of New York, upon receipt of the said certified copy of this Judgment, shall enter the same of record and cancel said original certificate of naturalization upon the records of said court and notify the Attorney General of the entry of such order and of such cancellation.

[fol. 130] 4. That upon this judgment becoming final the defendant, Peter Chaunt, shall surrender his copy of said Certificate of Naturalization No. 4785200 to the Clerk of this Court for cancellation.

5. That the defendant, Peter Chaunt, upon this judgment becoming final, shall be thereafter enjoined from claiming or exercising any rights or privileges of citizenship granted by said Certificate of Naturalization No. 4785200 or said order admitting said defendant, Peter Chaunt, to citizenship.

Dated: April 20, 1957.

Wm. C. Mathes, United States District Judge.

[fol. 131]

IN UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 15,843

PETER CHAUNT, Defendant-Appellant,

vs.

UNITED STATES OF AMERICA, Plaintiff-Appellee.

Appeal from the United States District Court
for the Southern District of California,
Central Division

OPINION—September 22, 1959

Before: Stephens, Maris and Barnes, Circuit Judges

MARIS, Circuit Judge:

The defendant, Peter Chaunt, appeals from a judgment entered in the District Court for the Southern District of California which revoked a prior order admitting him to citizenship and cancelled his certificate of naturalization on the grounds that his naturalization had been procured by concealment of material facts and by willful misrepresentations. The record, which consists largely of testimony and documents offered by the Government, discloses the following pertinent facts:

The defendant, a native of Hungary, came to the United States in 1921 at the age of 22. During 1928 he worked on a Hungarian Communist daily paper, Uj Elore, and with the Young Communist League in Akron, Ohio. In 1929 and 1930 he had been arrested three times in the City of New Haven, Connecticut, charged in the first two instances with the violation of city ordinances and in the third with a general breach of the peace.

During 1930 and 1931 his name appeared in the Daily Worker in connection with some of his activities. On June

21, 1930 an article entitled, "For Offensive Strategy, by Peter Chaunt, District Organizer, District 15", appeared in the Daily Worker. In 1931 he taught the subject "Lenin-[fol. 132] ism" at a Communist training school in Ontario, Canada. From 1930 to 1940 he acted as District Organizer for the Communist Party in certain districts located in Connecticut, New York and Missouri. Also, during some of those years he attended conventions and meetings of the Communist Party.

In November 1939 the defendant filed an application for a certificate of arrival and a preliminary for[illegible] for petition for naturalization with the Immigration and Naturalization Service in New York. He was orally examined under oath on June 27, 1940 by two examiners of the Immigration and Naturalization Service as to the questions and answers appearing on his petition, as well as on supplementary questions. His formal petition for naturalization was thereupon filed in the United States District Court for the Eastern District of New York. The petition was granted and the defendant was naturalized on November 28, 1940. Thirteen years later the Government brought the present action for defendant's denaturalization under § 340(a) of the Immigration and Naturalization Act of 1952, 8 U.S. C.A. § 1451(a), charging that, in answering the questions propounded to him, the defendant had concealed material facts and had made willful misrepresentations.

The gravamen of the amended complaint was that prior to and at the time of naturalization the defendant intentionally concealed the facts that he was an active member and officer of the Communist Party, and that he had been arrested, and intentionally and falsely represented that the only organization to which he belonged was the "Fraternal Benefit Society of International Workers Order", that he was attached to the principles of the Constitution and well disposed to the good order and happiness of the United States, and that he had never been arrested, whereas in fact he was a member and officer of the Communist Party and by reason thereof and of his knowledge of the nature and principles of that Party was not attached to the principles of the Constitution or well disposed to the good order and happiness of the United States, and had been arrested three times. The amended complaint further asserted that

as a result of these concealments and misrepresentations the Immigration and Naturalization Service did not make a further investigation as to whether the defendant for five years immediately preceding his application had behaved [fol. 133] as a person of good moral character attached to the principles of the Constitution and well disposed to the good order and happiness of the United States and whether he could take the oath of allegiance without mental reservation or purpose of evasion, all as required by section 4 of the Immigration and Nationality Act of 1906, 34 Stat. 596. The district court found that the evidence supported the claims made by the Government and entered judgment revoking the order admitting defendant to citizenship and cancelling Certificate of Naturalization No. 4785200. This appeal followed.

The defendant contends that the findings of the district court must be set aside as erroneous and that, in any event, the issues are res judicata between him and the Government. In reviewing the findings of the district court in denaturalization cases we must scrutinize the record with utmost care to determine whether the Government had carried its burden of proving by "clear, unequivocal, and convincing" evidence, which does not leave "the issue in doubt", that the citizen who is sought to be returned to the status of an alien obtained his naturalization certificate illegally. Schneiderman v. United States, 1943, 320 U.S. 118, 158; Baumgartner v. United States, 1944, 322 U.S. 665, 670; Knauer v. United States, 1946, 328 U.S. 654, 657-658; Nowak v. United States, 1958, 356 U.S. 660, 663; Maisenberg v. United States, 1958, 356 U.S. 670.

We consider first the defendant's contention that the district court erred in finding that he intentionally concealed the fact of his arrests and willfully misrepresented that he had never been arrested. In his preliminary form for petition for naturalization the defendant answered "no" to Question 30: "Have you ever been arrested or charged with violation of any law of the United States or State or any city ordinance or traffic regulation?" The defendant does not contend that this question is ambiguous. The Government called as a witness Calvin Derrenger, the naturalization examiner who conducted the preliminary ex-

amination of the defendant, who testified, inter alia, that it was his custom and practice, as well as duty under the regulations of the Immigration and Naturalization Service, to cover thoroughly the question of arrests. He identified various marks which appeared on the defendant's preliminary form for petition for naturalization. In respect to the initials "RE" he testified: "They mean that the petitioner could read English. I tested him on that and found [fol. 134] he could read English". As to the initials "NCR" he stated: "They mean that I asked the petitioner if he had any record of arrests anywhere and his answer was that he had none, and the 'NCR' stands for no criminal record anywhere". This testimony was undisputed.

The district court found that prior to his naturalization "(a) On or about July 30, 1929, defendant was arrested on the charge that 'at said city and town of New Haven, Peter Chaunt, of the said city and town of New Haven, did then and there distribute in a public street, to wit: Ashmun Street, certain hand-bills against the peace of the State, of evil example, and contrary to the ordinance in such case made and provided. Ord. 729.' Disposition, 'Plea—not guilty—Discharged'; (b) On or about December 21, 1929, defendant was arrested on the charge that 'at said city and town of New Haven, Peter Chaunt, temporarily of said city and town, did make an oration, harangue, or other public demonstration in New Haven Green, outside of the churches. Pages 609 Charter and Ordinances'. Disposition, 'Demurrer filed 12-27-29. Demurrer overruled—Whitaker 12-27-29, plea—not guilty, Found J.S.';" and "(c) that on the 11th day of March, 1930, defendant was arrested and charged at said city and town of New Haven that he 'did commit, violate, Peter Chaunt, general breach of peace'; 'plea N.G., finding G, ordered to be imprisoned in New Haven County Jail and/or to pay fine of $25.00 to stand committed until judgment satisfied. Appealed'". It appears that upon the appeal the defendant pleaded not guilty and the case was "nolled" by the Court of Common Pleas.

The district court found that the defendant's failure to disclose his record of arrests was an intentional concealment of a material fact and a willful misrepresentation which foreclosed the Immigration and Naturalization Ser-

vice and the district court from making a further investigation as to whether he had all the qualifications for citizenship required by the Act of 1906, as a result of which the Service recommended and the district court granted his petition for naturalization. We think that these findings are amply supported.

It has been held that concealment of arrests, revelation of which might have led the Immigration and Naturalization Service to make further investigation of the petitioner, is sufficient ground upon which to base a decree of denaturali- [fol. 135] zation Del Guercio v. Pvrko, 9 Cir. 1947, 160 F. 2d 799; United States v. Corrado, E.D. Mich. 1953, 121 F. Supp. 75, aff. 6 Cir. 1955, 227 F. 2d 780, cert. den. 351 U.S. 925; United States v. Accardo, D.C.N.J. 1953, 113 F. Supp. 783, aff. 3 Cir. 1953, 208 F. 2d 632, cert. den. 347 U.S. 952; Stacher v. United States, 9 Cir. 1958, 258 F. 2d 112, cert. den. 358 U.S. 907; United States v. Montalbano, 3 Cir. 1956, 236 F. 2d 757.

Naturalization is a great privilege and one which once granted cannot lightly be taken away. But when granting the right the Government is entitled to frank, honest and unequivocal answers from the petitioner for citizenship to the questions put to him to throw light upon his qualifications or lack of them. And so the defendant here had a duty to answer honestly and fully the questions propounded to him. As stated by the district court in United States v. Corrado, E.D. Mich. 1953, 121 F. Supp. 75, 78, 6 Cir. 1955, 227 F. 2d 780, cert. den. 351 U.S. 925: "If he had revealed that he had been arrested it does not necessarily follow that he would have been denied citizenship, but this was information that the examining officers were charged by law with obtaining and to which they were entitled. The seriousness of the offense and the materiality of any arrest or conviction would be then up to the examining officers, and if they wrongfully refused petitioner naturalization he could then appeal to the courts." It was not necessary for the district court to determine whether, upon further inquiry prompted by knowledge of the defendant's arrests, he would have been found ineligible for citizenship. For the test of the materiality of such a concealment and misrepresentation of facts "is not whether naturalization would

have been refused if defendant had revealed the truth, but whether, by his false answers, the government was denied the opportunity of investigating the facts relating to his eligibility." United States v. Chandler, D.C. Md. 1957, 152 F. Supp. 169, 177.

The defendant, however, contends that the findings of the district court must be set aside because there is no finding that any of the arrests were valid. For this proposition he relies upon United States v. Kessler, 3 Cir. 1954, 213 F. 2d 53. His reliance upon the Kessler case is misplaced. For in that case the Court of Appeals for the Third Circuit concluded, as that court pointed out in United States v. Montalbano, 3 Cir. 1956, 236 F. 2d 757, 760, that there had not been an untruthful answer given to the question [fol. 136] concerning arrests, and so no fraud had been committed. That conclusion was based upon the fact that the arrests alleged were false arrests without color of right for an offense unknown to the law and which it was, therefore, not the duty of the applicant to report.

In the present case, however, all three arrests were for offenses known to the law, the first two for the violation of specified New Haven ordinances and the third for a breach of the peace, an offense known at common law. The defendant urges that the first two arrests were for the violation of ordinances which on their face are unconstitutional so that the failure to report them could not have been a material concealment or misrepresentation. It is possible that the ordinances in question were sought to be enforced against the defendant in violation of his constitutional rights. But neither the text of the ordinances nor the circumstances under which the arrests were made were before the district court. Nor was it necessary that they should be. For the court was not called upon to determine the propriety of the arrests or the guilt of the defendant. Whether the arrests were proper and, if so, the extent of their bearing upon the defendant's qualifications for citizenship were questions which the Immigration and Naturalization Service and the District Court for the Eastern District of New York were entitled to consider in the proceeding for defendant's naturalization. That consideration was blocked by the defendant through his concealment of them.

Moreover the third arrest, that for "general breach of the peace" is not subject to the constitutional attack which the defendant levels against the other two. The failure to disclose it alone would be sufficient to sustain the judgment of the district court. For it is not the number of arrests, nor the character of the offenses, which is the important factor. It is the concealment of any material fact sought to be inquired into, including any arrest, which is the fraudulent act and which justifies not only the finding of fraud, but also the finding which the district court here made, that the defendant had not been of good moral character for a period of five years immediately preceding his application and thus did not meet the statutory prerequisite to citizenship. Del Guercio v. Pupko, 9 Cir. 1947, 160 F. 2d 799; United States v. Umantes, D.C. Cal. 1955, 139 F. Supp. 574, [fol. 137] aff. 9 Cir. 1956, 232 F. 2d 216; United States v. Montalbano, 3 Cir. 1956, 236 F. 2d 757.

In the absence of any explanation by the defendant of his answer of "No" to the question in respect to arrests, we find that the record fully justifies the finding of the district court that he deliberately concealed his arrests and falsely represented that he had never been arrested. Since these findings furnish ample support for the judgment revoking the defendant's naturalization it is unnecessary for us to consider whether, as the defendant urges, the findings of the district court as to his concealment of his membership in the Communist Party and as to his lack of attachment to the principles of the Constitution and his disposition toward the good order of the United States can stand in the light of the decisions of the Supreme Court in Nowak v. United States, 1958, 356 U.S. 660, and Maisenberg v. United States, 1958, 356 U.S. 670, which were handed down after the district court entered its judgment in this case.

We come then to the defendant's final argument that the issues sought to be raised by the Government in this case were concluded by the order of the district court which admitted him to citizenship and are res judicata in this proceeding. As to this it is sufficient to say that the overwhelming weight of authority is to the effect that, at least in the case of an order of naturalization procured, as in this case,

ex parte without an actual contested litigation of the issues, the issues as to concealment of material facts and willful misrepresentations in the procurement of the order of naturalization are open in a subsequent suit by the United States for the revocation of the order and the cancellation of the certificate of naturalization. Tutun v. United States, 1926, 270 U.S. 568, 579; Baumgartner v. United States, 1944, 322 U.S. 665, 672; Knauer v. United States, 1946, 328 U.S. 654; Stacher v. United States, 9 Cir. 1958, 258 F. 2d 112, 119-120, cert. den. 358 U.S. 907.

The judgment of the district court will be affirmed.

[File endorsement omitted]

[fol. 138]

IN UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 15843

PETER CHAUNT, Appellant,

vs.

UNITED STATES OF AMERICA, Appellee.

Appeal from the United States District Court
for the Southern District of California,
Central Division.

JUDGMENT—Filed and Entered: September 22, 1959

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Southern District of California, Central Division, and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the Judgment of the said District Court in this cause be, and hereby is affirmed.

[File endorsement omitted]

[fol. 139] Clerk's Certificate to foregoing transcript (omitted in printing).

[fol. 140]

SUPREME COURT OF THE UNITED STATES

No. 59—October Term, 1959

PETER CHAUNT, Petitioner,

vs.

UNITED STATES.

ORDER ALLOWING CERTIORARI—February 29, 1960

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

FILE COPY

Supreme Court, U.S.
FILED
DEC 16 1959
JAMES R. BROWNING, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1959

No. 503 22

PETER CHAUNT, *Petitioner*,

v.

UNITED STATES OF AMERICA

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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